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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

SIERRA HEARING ROOM

SACRAMENTO, CALIFORNIA

WEDNESDAY, SEPTEMBER 4, 2002

9:00 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Michael Paparian, Chairperson

Steven R. Jones

Jose Medina

STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Julie Nauman, Acting Chief Deputy Director

Scott Walker, Acting Deputy Director

Elliot Block, Staff Counsel

Mark de Bie

Suzanne Hambleton

Keith Kennedy

Wes Mindermann

Leslie Newton-Reed

Beatrice Poroli

Allison Reynolds

Bernie Vlach

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Good morning, everybody.

3 I think we'll go ahead and get started. We are now a
4 three-member Committee. Two of us are here at the moment.

5 And Mr. Medina will be joining us shortly.

6 Secretary, will you please call the roll.

7 SECRETARY FARRELL: Jones.

8 COMMITTEE MEMBER JONES: Here.

9 SECRETARY FARRELL: Medina?

10 Paparian?

11 CHAIRPERSON PAPARIAN: Here.

12 If you have a cell phone, if you could preferably
13 turn it off, or at least turn it to the vibrating mode,
14 that will help us avoid interruptions during this
15 morning's hearing.

16 We have a pretty full agenda. We have a few
17 items which might take awhile. So here is how I'm
18 planning to proceed:

19 We have about five or so permits. We'll go
20 through those. Then we have discussions related to two
21 regulation items. We may -- depending on how many people
22 are planning to testify, we may need to limit testimony on
23 the regulation items to 2 or 3 minutes. We'll see when we
24 get there and how many people are planning to testify.

25 And then, finally, we have a workshop on landfill

1 capacity, which I may be optimistic at this point, but
2 which I'm hoping we can start around 11:00 o'clock or so,
3 maybe a little bit after that.

4 So with that, Mr. Walker, I'll turn it over to
5 you.

6 ACTING DEPUTY DIRECTOR WALKER: Because of the
7 agenda today, it's pretty full, I don't really have
8 anything to report other than we had a really good annual
9 LEA conference last week and we'll be following up further
10 on that.

11 So I'll hand it back to you and you can go from
12 there.

13 CHAIRPERSON PAPARIAN: Okay. I guess I should
14 ask: Mr. Jones, do have any ex partes?

15 COMMITTEE MEMBER JONES: No, I'm up to date.

16 CHAIRPERSON PAPARIAN: I am just about up to
17 date. I talked to John Cups and Don Gambelin briefly this
18 morning, sort of a meet and greet, yesterday with various
19 representatives of the C&D debris industry regarding the
20 C&D regs. And then also I spoke I believe yesterday with
21 Denise Delmatier and Don Gambelin regarding ADC and the
22 C&D regs.

23 With that, I think we'll just jump into -- is it
24 Item C?

25 ACTING DEPUTY DIRECTOR WALKER: Yes, Item C is

1 consideration of a revised Full Solid Waste Facilities
2 Permit (Transfer/Processing Station) for Advanced Disposal
3 Transfer/Processing Facility, San Bernardino County.

4 Suzanne Hambleton will give the presentation.

5 MS. HAMBLETON: Good morning.

6 This is an existing transfer/processing facility
7 in this area, San Bernardino. Their initial permit was in
8 1993. They had a revised permit in 2001.

9 This is merely for the addition of green waste
10 chipping and grinding at the facility. Staff did do a
11 permit inspection and found that there was a violation in
12 terms of not documenting specific dates and times of
13 scheduled cleaning of the facility. However, the operator
14 has put in place a schedule for this, and it was clean on
15 the date that the inspection was done.

16 All the other required findings have been made.
17 So staff recommend that you adopt Resolution 2002-464
18 concurring in this Advance Disposal Solid Waste Facilities
19 Permit.

20 CHAIRPERSON PAPARIAN: Any questions?

21 COMMITTEE MEMBER JONES: Mr. Chair?

22 CHAIRPERSON PAPARIAN: Mr. Jones.

23 COMMITTEE MEMBER JONES: I'll move adoption of
24 Resolution 2002-464, the consideration of a revised full
25 solid waste facilities permit for the Advance Disposal

1 Transfer/Processing Facility in San Bernardino.

2 CHAIRPERSON PAPARIAN: I'll second that.

3 COMMITTEE MEMBER JONES: And if the rolls could
4 stay open, I'd like to recommend that this go on consent
5 if our other member votes yes.

6 CHAIRPERSON PAPARIAN: Okay. Let's have the roll
7 call first.

8 SECRETARY FARRELL: Jones?

9 COMMITTEE MEMBER JONES: Aye.

10 SECRETARY FARRELL: Paparian?

11 BOARD MEMBER PAPARIAN: Aye.

12 Okay. We'll leave the roll open. And if Mr.
13 Medina concurs, we'll recommend that for consent.

14 I should mention -- I forgot to mention before --
15 if anybody wants to speak on any item, if you could fill
16 out one of the speaker slips in the back of the room and
17 give it to Ms. Farrell up here, that would be most
18 appreciated.

19 Okay. Go ahead.

20 ACTING DEPUTY DIRECTOR WALKER: The next item is
21 Item D, which is consideration of a new standardized
22 composting permit for Central Valley Waste Services
23 Composting Facility, San Joaquin County.

24 Keith Kennedy will give the staff presentation.

25 MR. KENNEDY: Good morning, Committee Members.

1 The San Joaquin County LEA performed a five-year
2 permit review of Central Valley Waste Services in May of
3 this year. The only changes proposed for this
4 standardized permit are a change in the owner and operator
5 of the facility from California Waste Removal Systems,
6 Incorporated, to Central Valley Waste Services,
7 Incorporated, and a change in the name of the facility
8 from California Waste Removal Systems, Incorporated, to
9 Central Valley Waste Services Composting Facility.

10 No other changes to the facility are proposed.

11 Staff would also like to inform the Committee
12 that a letter was sent to the LEA and copied to staff from
13 Mr. David Vaccarezza. Mr. Vaccarezza is a neighbor to the
14 north of the facility and is the same gentleman that spoke
15 to you at the July Committee meeting regarding the
16 permitting of the Central Valley Transfer Station and MRF.

17 In Mr. Vaccarezza's letter he states that he is
18 adamantly opposed to the reissuance of the permit because
19 of problems with noise, odor, dust, vectors, shrapnel from
20 the grinding operation, and flies. In his letter he
21 states that a few of the complaints were addressed on a
22 temporary basis. However, the majority have gone
23 unresolved; and this is why he's opposed to the permit.

24 He requested that his letter be shared with the
25 Committee and the Board.

1 Robert McClellan of the LEA for San Joaquin
2 County and representatives of Central Valley Waste were
3 supposed to have been here, but I don't see them.

4 COMMITTEE MEMBER JONES: They're here, or at
5 least some of them are.

6 MR. KENNEDY: They should be available for
7 questions.

8 Board staff have determined that all the
9 requirements for the proposed permit have been fulfilled.

10 In conclusion, staff recommends that the
11 Committee adopt Board Resolution Number 2002-465,
12 concurring with the issuance of the Solid Waste Facilities
13 Permit Number 39-AA-0038.

14 This concludes staff's presentation. I'd be
15 happy to answer any questions.

16 CHAIRPERSON PAPARIAN: So you have a letter from
17 Mr. Vaccarezza claiming that there are ongoing problems?

18 MR. KENNEDY: Yes.

19 CHAIRPERSON PAPARIAN: Okay. Why don't we just
20 hear briefly from the LEA in response to -- in response to
21 that. Is the LEA here?

22 MR. KENNEDY: He's not here. The operator is
23 here.

24 CHAIRPERSON PAPARIAN: How about just from our
25 staff perspective. Have you checked out the claims in the

1 letter? And are you satisfied that the facility is --

2 MR. KENNEDY: I personally did not do an
3 inspection of this facility. Jon Whitehill did that for
4 me.

5 The facility right now is not even composting.
6 All they're doing is chipping and grinding. Any green
7 waste or wood waste that comes in is taken out within 48
8 hours. There are no flies. There are no odors. I mean I
9 was told that there's no problems with this facility at
10 this time.

11 CHAIRPERSON PAPARIAN: Okay.

12 MR. KENNEDY: And they have no violations, you
13 know, within the past five years.

14 CHAIRPERSON PAPARIAN: Okay. So from our staff,
15 we've checked it out and we don't -- our staff is not
16 finding validity to the claims in the letter?

17 MR. KENNEDY: Not at this time, no.

18 CHAIRPERSON PAPARIAN: Okay. Any other
19 questions?

20 COMMITTEE MEMBER JONES: No. But I think that it
21 is a five-year review. This permit is coming up because
22 of a five-year review. And four years ago Dave Vaccarezza
23 owned this facility. So, you know, it is -- we saw these
24 issues on his home, you know, where he chose to build his
25 home. So I don't see there's a problem.

1 I'll move adoption of Resolution 2002-465. We've
2 been handed a new resolution which clears up that in the
3 last "Whereas" it says, "The Board finds that all state
4 and local requirements for the proposed permits have been
5 met. Now, therefore, be it resolved that the CIWMB
6 concurs in the issuance of the Solid Waste Facilities
7 Permit 39-AA-0038."

8 CHAIRPERSON PAPARIAN: I'll second it.

9 Secretary call the roll.

10 SECRETARY FARRELL: Jones?

11 COMMITTEE MEMBER JONES: Aye.

12 SECRETARY FARRELL: Paparian?

13 CHAIRPERSON PAPARIAN: Aye.

14 And then we'll hold the roll open on that one
15 until Mr. Medina arrives.

16 COMMITTEE MEMBER JONES: And would that be
17 proposed for --

18 CHAIRPERSON PAPARIAN: -- with Mr. Medina's
19 concurrence, yes.

20 COMMITTEE MEMBER JONES: -- consent when he
21 shows -- okay.

22 ACTING DEPUTY DIRECTOR WALKER: Next item is Item
23 E, which is consideration of a New Full Solid Waste
24 Facilities Permit (Transfer/Processing Station) for the
25 Valley Environmental Services Recycling Facility, Imperial

1 County.

2 And Leslee Newton-Reed will give the staff
3 presentation.

4 MS. NEWTON-REED: Good morning.

5 Valley Environmental Services Recycling Facility
6 is proposing to change from a registration tier to a full
7 solid waste facility. They have proposed a permit that
8 would allow an increase in tonnage from less than 100 tons
9 per day to 200 tons per day; an increase in traffic volume
10 from 20 waste vehicles per day to 145 total vehicles per
11 day, that's including 70 waste vehicles; an increase in
12 the permitted hours of operation from 7:00 a.m. to 7:00
13 p.m., Monday through Saturday, to 24 hours per day, 7 days
14 per week.

15 A revision to the Negative Declaration was
16 circulated through the State clearinghouse, with the
17 comment period ending August 30th, 2002.

18 The City of El Centro has approved the project,
19 and a notice of determination was filed with the Imperial
20 County Recorder's office on September 3rd, 2002.

21 A revised proposed permit has been submitted,
22 reflecting those changes on the second page, number 13E,
23 Findings, and then also part of 15.

24 Staff have determined that all the requirements
25 have been met. Therefore, staff recommends the Board

1 adopt Solid Waste Facilities Permit Decision 2002-466,
2 concurring with the issuance of a Solid Waste Facilities
3 Permit Number 13-AA-009.

4 Representatives of the Imperial county LEA and
5 the operator are here to answer your questions.

6 CHAIRPERSON PAPARIAN: Any questions?

7 COMMITTEE MEMBER JONES: No.

8 Mr. Chair, I'll move adoption of Resolution
9 2002-466, consideration of a New Full Solid Waste
10 Facilities Permit for the Valley Environmental Services
11 Recycling Facility. On the second to last "Whereas" the
12 Board finds the proposed permit is consistent with CEQA;
13 and on the "Now, Therefore, Be It Resolved" that the CIWMB
14 concurs in the issuance of Solid Waste Facilities Permit
15 13-AA-0091.

16 CHAIRPERSON PAPARIAN: Second.

17 Ms. Secretary, call the roll.

18 SECRETARY FARRELL: Jones?

19 COMMITTEE MEMBER JONES: Aye.

20 SECRETARY FARRELL: Paparian?

21 CHAIRPERSON PAPARIAN: Aye.

22 We'll hold that roll open for Mr. Medina. And if
23 he concurs, we'll move that to consent.

24 ACTING DEPUTY DIRECTOR WALKER: Next item is Item
25 F, which is consideration of a Revised Full Solid Waste

1 Facilities Permit (Transfer/Processing Station) for Gold
2 Coast Recycling, Incorporated, Ventura County.

3 And Leslee Newton-Reed again will give the staff
4 presentation.

5 MS. NEWTON-REED: Gold Coast Recycling,
6 Incorporated, has proposed a permit that would allow an
7 increased in-tonnage from 1,200 tons per day to 1,600 tons
8 per day; an increase in the traffic volume from 435
9 vehicles per day to 496 vehicles per day; and to operate
10 an exterior glass sorting line.

11 The Board has determined Board staff -- have
12 determined that all the requirements have been met.
13 Therefore, staff recommends that the Board adopt Solid
14 Waste Facilities Permit Decision Number 2002-467,
15 concurring with the issuance of Solid Waste Facilities
16 Permit Number 56-AA-0123.

17 Representatives from the Ventura County LEA and
18 the operator are here to answer your questions.

19 CHAIRPERSON PAPARIAN: Any questions.

20 COMMITTEE MEMBER JONES: Mr. Chair?

21 CHAIRPERSON PAPARIAN: Mr. Jones.

22 COMMITTEE MEMBER JONES: We do have Jim Harrison
23 and Nan Drake who came up from Ventura for this. They
24 were our hosts when we were in Oxnard for an impressive
25 night when we looked at one of the best single stream

1 systems I think I've ever seen. Heck of a commitment.

2 So I'll move adoption of Resolution 2002-467 for
3 the consideration of a Revised Full Solid Waste Facilities
4 Permit for the Gold Coast Recycling, Inc., in Ventura
5 County.

6 CHAIRPERSON PAPARIAN: I'll second that.

7 Secretary, call the roll.

8 SECRETARY FARRELL: Jones?

9 COMMITTEE MEMBER JONES: Aye.

10 SECRETARY FARRELL: Paparian?

11 CHAIRPERSON PAPARIAN: Aye.

12 And we'll hold that roll open for Mr. Medina.

13 And with his concurrence, we'll move that to consent.

14 Next.

15 ACTING DEPUTY DIRECTOR WALKER: Okay. Thank you.

16 The next item is Item G, which is consideration
17 of a Revised Full Solid Waste Facilities Permit (Disposal
18 Facility) for the NorCal Waste Systems Ostrom Road
19 Landfill, Incorporated, Yuba County.

20 Beatrice Poroli will give the staff presentation.

21 MS. POROLI: Good morning.

22 This facility is owned and operated by NorCal
23 Waste Systems Ostrom Road Landfill, Incorporated.

24 The proposed permit is to allow the following:

25 Increase the disposal footprint from 221 to 225

1 acres.

2 Increase the maximum permitted acreage from
3 1,000 -- I'm sorry -- permitted tonnage from 1,000 to
4 3,000 tons per day.

5 Increase the landfill height from 180 to 365 feet
6 mean sea level.

7 Increase the traffic volume from 70 to 170
8 vehicles per day.

9 Extend the closure date from 2030 to 2066.

10 I would like to provide some background
11 information related to the lawsuit that was made regarding
12 the California Environmental Quality Act, CEQA, for the
13 project.

14 In June 2000 the Yuba Group Against Garbage, also
15 known as YuGAG, an organization located in the Wheatland
16 area, filed a lawsuit in the Yuba County Superior Court to
17 reverse the Board of Supervisors' March 2000 decision to
18 amend the operator's use permit.

19 In October 2000 the Yuba County Superior Court
20 judge ruled in favor of YuGAG and stopped the expansion of
21 the landfill. On November 2001 the Court of Appeals
22 overturned the order by the Yuba County Superior Court.

23 Staff reviewed the proposed permit and supporting
24 documentation and have found that the application package
25 meets all of the requirements on Page 35-4 of the Board

1 agenda item and is acceptable for consideration by the
2 Board.

3 In conclusion, staff recommends that the Board
4 adopt Solid Waste Facilities Permit Decision Number
5 2002-468, concurring in the issuance of Solid Waste
6 Facilities Permit Number 58-AA-0011.

7 Representatives from the LEA and the operator are
8 present to answer any questions you may have.

9 This concludes staff's presentation.

10 CHAIRPERSON PAPARIAN: Thank you.

11 I understand Mr. Medina may have a few specific
12 questions about this. So we'll finish up with any
13 questions that the two of us might have and then hold this
14 for a few minutes. I understand he'll be here within a
15 few minutes.

16 So, Mr. Jones, do you have any questions about
17 this one?

18 COMMITTEE MEMBER JONES: No.

19 CHAIRPERSON PAPARIAN: Okay. I don't have any
20 specific questions myself.

21 So we'll just hold this for a few minutes. Then
22 when Mr. Medina comes, he can ask the questions that he
23 has.

24 ACTING DEPUTY DIRECTOR WALKER: Okay.

25 CHAIRPERSON PAPARIAN: Thank you.

1 ACTING DEPUTY DIRECTOR WALKER: Now, we'll switch
2 to Item H, which is consideration of contractor for the
3 engineering services contract for the Solid Waste Disposal
4 and Codisposal Site Cleanup Program (Fiscal Year 2002-03,
5 Contract Number IWM-C2001).

6 Wes Mindermann will give the staff presentation.

7 MR. MINDERMAN: Good morning, Mr. Chairman and
8 Board Member Jones.

9 This item requests the Board consider and approve
10 an engineering services contractor for the Solid Waste
11 Cleanup Program. The program has utilized engineering
12 services contractors for support in all phases of site
13 remediation and site investigation since inception in
14 1994.

15 The current contract, which will expire at the
16 end of this month and has approximately \$172,000 remaining
17 of unencumbered funds, is held by Bryan A. Stirrat and
18 Associates, Incorporated.

19 This contract was awarded by the request for
20 qualifications process. Selection of the contractor is
21 based on the professional qualifications necessary to
22 satisfactorily perform the anticipated services at a fair
23 and reasonable price.

24 In response to the Board's request for
25 qualifications, ten firms submitted statements of

1 qualifications. All ten statements of qualifications were
2 evaluated and ranked by a panel composed of five members
3 of Board staff.

4 The top five ranked firms were interviewed for
5 this request for qualifications. Interviews were
6 conducted at the end of July, with firms being evaluated,
7 scored, and ranked again, utilizing the same five-member
8 selection committee that evaluated the statements of
9 qualifications.

10 Based on the interview, the selection committee
11 ranked Bryan A. Stirrat and Associates as the most
12 qualified firm, and staff have completed successful
13 negotiations.

14 The Board approved Contract Concept 13, with an
15 initial allocation of \$1 million from the trust fund a
16 not-to-exceed value of \$2.5 million.

17 Based on the projected use for Fiscal Year
18 2002-2003 and the desire to preserve the unreserved
19 balance in the trust fund to maintain flexibility for the
20 Board to consider new loans, grants and Board-managed
21 projects, staff recommend that the initial contract
22 allocation be reduced from \$1 million to \$500,000.

23 The contract may be amended up to the
24 not-to-exceed value of \$2,500,000 when additional funding
25 is required, subject to funding availability and Board

1 approval.

2 The Board may decide to approve the proposed
3 contractor with a \$500,000 initial allocation, approve the
4 proposed contractor with a \$1 million initial allocation,
5 or disapprove the proposed contractor.

6 Based on the results of the requests for
7 qualifications, staff recommend that the Board approve
8 Bryan A. Stirrat and Associates, Incorporated, for
9 Contract Number IWM-C2001, with an initial funding
10 allocation of \$500,000.

11 That concludes my presentation. I'd be happy to
12 answer any questions.

13 COMMITTEE MEMBER JONES: I have a question.

14 CHAIRPERSON PAPARIAN: Mr. Jones.

15 COMMITTEE MEMBER JONES: The 172 grand, that's
16 still available to us, right?

17 MR. MINDERMAN: That's correct. When the
18 contract expires, the \$172,000 in the existing contract
19 will revert back to the trust fund.

20 COMMITTEE MEMBER JONES: Okay. And that contract
21 expires --

22 MR. MINDERMAN: I believe it expires -- I want
23 to say the last week of September. I don't know the exact
24 date.

25 COMMITTEE MEMBER JONES: All right.

1 Yeah, I've got no problem with this. I was just
2 hoping we could use that money, I mean see if you can find
3 something.

4 All right. I'll move adoption of Resolution
5 2002-424, consideration of contractor for the engineering
6 services contract for the Solid Waste Disposal and
7 Codisposal Cleanup Program, Contract Number IWM-C2001, to
8 Bryan Stirrat, in the amount of 500,000.

9 CHAIRPERSON PAPARIAN: Second.

10 Secretary, call the roll.

11 SECRETARY FARRELL: Jones.

12 COMMITTEE MEMBER JONES: Aye.

13 SECRETARY FARRELL: Paparian?

14 CHAIRPERSON PAPARIAN: Aye.

15 And we'll hold that roll open for Mr. Medina.

16 ACTING DEPUTY DIRECTOR WALKER: Just a point of
17 clarification, if I may.

18 CHAIRPERSON PAPARIAN: Yes.

19 ACTING DEPUTY DIRECTOR WALKER: This item will
20 also be heard before the Admin Committee. And the
21 question is, would this be forwarded over as fiscal
22 consent with the Committee? You know, I assume -- would
23 the Board's approval of this -- or the Committee's
24 approval, would this be forwarded to fiscal consent?

25 COMMITTEE MEMBER JONES: We had already voted to

1 allocate the money. This is just the who's going to get
2 it. You know what I mean? It's not like we're --

3 CHAIRPERSON PAPARIAN: Right. Let's double check
4 with the -- just to make sure we're consistent with what
5 all the committees are doing.

6 EXECUTIVE DIRECTOR LEARY: We have, Mr. Chairman
7 and Mr. Jones, have taken as a matter of routine all
8 fiscal items, whether -- despite the allocation process,
9 through the Budget/Admin Committee. So what happens with
10 an item like this is both the Program Committee, this one
11 of course, and the Budget/Admin Committee, the Fiscal
12 Committee take it up, and then both can then forward it to
13 the Board for consideration for consent. Given that it's
14 a fiscal item, it would then become a fiscal consensus
15 item for the Board. So you can recommend fiscal consensus
16 and the Budget/Admin Committee could recommend fiscal
17 consensus.

18 CHAIRPERSON PAPARIAN: Okay. I think Mr. Jones'
19 question was related to whether it could go straight to
20 consent or not, because the money had been previously
21 allocated here.

22 You're shaking your head no.

23 EXECUTIVE DIRECTOR LEARY: No, because -- simply
24 because it's a matter of a financial expenditure. We've
25 done the short presentation at the Board meeting.

1 CHAIRPERSON PAPARIAN: Okay. So with Mr.
2 Medina's concurrence, what we would do is forward this
3 with a recommendation for fiscal consent, recognizing that
4 the Admin Committee will also be taking this up.

5 We'll take a brief five-minute break.

6 If you're planning to testify at the -- on the
7 C&D regs, if you could make sure to fill out one of the
8 speaker slips in the back and give it to Ms. Farrell, that
9 would be much appreciated.

10 So we'll take a five-minute break, be back here
11 at 9:35.

12 (Thereupon a brief recess was taken.)

13 CHAIRPERSON PAPARIAN: Okay. Welcome back,
14 everybody. Mr. Medina has joined us.

15 Mr. Medina, do you have any ex partes?

16 COMMITTEE MEMBER MEDINA: I do not.

17 CHAIRPERSON PAPARIAN: Okay. Mr. Jones, do you
18 have any?

19 COMMITTEE MEMBER JONES: No.

20 CHAIRPERSON PAPARIAN: I don't have any.

21 We were handed a letter from the California
22 Refuse Removal Council, dated September 4th, regarding
23 Agenda Item I, the C&D regs. And I think we all got
24 copies of that.

25 Mr. Medina, we held the roll open on the items

1 we've taken up so far. And if it's all right with you,
2 I'll just go back through them one by one. And you can
3 add yourself to the roll.

4 The first one was Item C related to the Advance
5 Disposal Transfer and Processing Facility in San
6 Bernardino County.

7 The roll's at 2-0 on that one.

8 COMMITTEE MEMBER MEDINA: That's an aye vote.

9 CHAIRPERSON PAPARIAN: Okay. And then if it's
10 all right, we'll add that to consensus -- for consent
11 rather.

12 COMMITTEE MEMBER MEDINA: Sure.

13 CHAIRPERSON PAPARIAN: Thank you.

14 Okay. The next one is Item E related to the
15 Valley Environmental Services Recycling Facility.

16 COMMITTEE MEMBER MEDINA: That's also an aye
17 vote.

18 CHAIRPERSON PAPARIAN: Okay. Then we'll move
19 that to consent.

20 Next one is Item F related to the Gold Coast
21 Recycling Facility.

22 COMMITTEE MEMBER MEDINA: That's an aye vote as
23 well.

24 CHAIRPERSON PAPARIAN: And we'll move that to
25 consent.

1 And, finally, we left at the Item G, the Ostrom
2 Road Landfill, because we understood you might have some
3 questions about that. And I think the staff and the LEA
4 are here if you have any specific questions about that.

5 COMMITTEE MEMBER MEDINA: I have no questions on
6 that. That's also an aye vote.

7 CHAIRPERSON PAPARIAN: Okay. We actually -- we
8 didn't open the roll yet on that one. So we'll go ahead
9 and do that now.

10 SECRETARY FARRELL: Mr. Chair, Item E.

11 CHAIRPERSON PAPARIAN: E is the one I missed?

12 Okay. Sorry. Let me go -- jumped ahead of
13 myself here.

14 Okay. We're going to jump back for just a
15 second. Item E was the Valley Environmental Services
16 Recycling Facility. We had a 2-0 vote on that.

17 Mr. Medina --

18 COMMITTEE MEMBER MEDINA: That's an aye vote on
19 that one.

20 CHAIRPERSON PAPARIAN: Okay. So we'll move that
21 one to consent.

22 Now on Item G we need a motion.

23 COMMITTEE MEMBER JONES: Mr. Chair.

24 CHAIRPERSON PAPARIAN: Mr. Jones.

25 COMMITTEE MEMBER JONES: I'll move adoption of

1 Resolution 2002-468, consideration of a Revised Full Solid
2 Waste Facilities Permit for the NorCal Waste Systems
3 Ostrom Road Landfill in Yuba County.

4 COMMITTEE MEMBER MEDINA: Second.

5 CHAIRPERSON PAPARIAN: Okay. We have a motion
6 and a second.

7 Secretary, call the roll.

8 SECRETARY FARRELL: Jones?

9 COMMITTEE MEMBER JONES: Aye.

10 SECRETARY FARRELL: Medina?

11 COMMITTEE MEMBER MEDINA: Aye.

12 SECRETARY FARRELL: Paparian?

13 CHAIRPERSON PAPARIAN: Aye.

14 And we'll move that one to consent.

15 Okay. So now we're on to Item I, the C&D regs.

16 I think staff has a brief presentation before we
17 here testimony on this one.

18 ACTING DEPUTY DIRECTOR WALKER: Thank you.

19 Item I is discussion and request for rulemaking
20 direction on revisions to the proposed regulations for the
21 Construction and Demolition and Inert Debris Processing
22 Tiered Regulations. And I just have a couple real brief
23 comments to lead into the staff -- the brief staff
24 presentation.

25 I want to remind the Committee that last month we

1 had the public hearing on the 45-day comment period. And
2 it was pretty clear we've got a couple camps here. One
3 is -- you know, that desires a much more comprehensive,
4 more onerous regulation -- or how would you say it? --
5 more detailed regulation of these facilities. Whereas
6 another group is less.

7 So staff is kind of in the middle there. And so
8 we're trying to come up with the best reg package that we
9 can, given those circumstances, that make sense with
10 regard to the public health and safety and the
11 environment. So as per the Committee's direction, we
12 backed off a little bit. And this item we will request
13 your direction on four key issue areas, which we need to
14 get direction on before we could bring back some proposed
15 changes for consideration in a following Board meeting.

16 We have a number of options that were listed.
17 And staff has some suggested options for the Board
18 direction.

19 So with that introduction, I'll hand it off to
20 Allison Reynolds and Mark de Bie, who will give the brief
21 staff presentation.

22 (Thereupon an overhead presentation was
23 presented as follows.)

24 MS. REYNOLDS: Good morning, Committee members.

25 First, I'd like to give a brief history of this

1 regulations package.

2 In July 1997 the construction and demolition and
3 inert debris and formal regulatory process began with
4 workshops held in August and in October 1998. The draft
5 regulations were noticed with the Office of Administrative
6 Law for a 45-day comment period, which was extended to a
7 December date.

8 --o0o--

9 MS. REYNOLDS: In September 1999 the Board voted
10 4 to 0 not to adopt the proposed construction and
11 demolition and inert regulations.

12 In December of 2000 the Board approved a
13 two-phase approach for the regulations for processing and
14 then disposal.

15 In January of this year the Board directed staff
16 to formally notice the Phase 1 regulations for transfer
17 processing, Phase 1.

18 --o0o--

19 MS. REYNOLDS: The draft regulations were noticed
20 on May 31st, and the 45-day comment period concluded on
21 July 15th.

22 --o0o--

23 MS. REYNOLDS: And now for a little background on
24 C&D material. This slide shows that C&D material
25 comprises nearly 12 percent of the solid waste stream.

1 --o0o--

2 MS. REYNOLDS: C&D debris is made up of the
3 following materials: Lumber, wood, gypsum, wallboard, and
4 et cetera. Processing operations of facilities use
5 trammels, magnet systems for metals, floats and manual
6 labor to sort the recyclables from the residuals.

7 --o0o--

8 MS. REYNOLDS: As you can see, this excerpt of
9 the C&D definition contains the first part test, which is
10 source separated and separated for use; and the third part
11 test, which is less than 1 percent putrescible, as noted
12 in green. It is a very restrictive definition and the LEA
13 has the responsibility of enforcing these tests.

14 --o0o--

15 MS. REYNOLDS: Since 1994 the Board encouraged
16 LEAs, local enforcement agencies, not to accept
17 applications for C&D processing until the Board developed
18 appropriate policy and/or wrote regulations to address the
19 material. The rationale for this direction was that
20 delaying the processing of these permits would eliminate
21 the administrative burden of revising or modifying permits
22 if changes to this process were included in the Board's
23 action.

24 At the time the advisory was issued, staff
25 anticipated that the C&D regulations would be promulgated

1 within several years. This was not the case.

2 Board staff now strongly recommend implementation
3 of the proposed set of regulations in a timely manner.

4 --o0o--

5 MS. REYNOLDS: There currently exists a gap
6 between the chipping and grinding of various types of
7 materials such as compostable organics, lumber from C&D
8 sources, lumber from other sources, and noncompostable
9 wood materials such as logs. Staff will work with
10 stakeholders to integrate chipping and grinding activities
11 of these regulations packages with chipping and grinding
12 operations of the compostable materials regulations and
13 areas that may not be covered at this time.

14 Staff will add new language to address these
15 activities and finalize a draft version of the regulations
16 to be brought forward at a future Committee meeting for
17 consideration for an additional 15-day comment period.

18 Mark de Bie will now describe the issues for the
19 Committee to consider, along with the summary of staff
20 recommendations.

21 --o0o--

22 MR. de BIE: Thank you, Allison. Mark de Bie
23 with the Permitting and Inspection branch.

24 On the screen you can see a summary of the four
25 issues that Scott mentioned and Allison mentioned. Also,

1 in the agenda item on Page 2 and 3 you can see the issues
2 along with the various options that staff have developed
3 to address these four issues.

4 So I just want to take a moment to run through
5 the four issues, A through D, and then indicate staff's
6 recommendation on the preferred option -- or staff's
7 preferred option to address the issue.

8 Issue A regards the tonnage threshold. That
9 would be the threshold to determine when a construction,
10 demolition, inert processing facility would move from the
11 Registration tier into the full Permit tier.

12 There have been various suggestions, as Scott
13 indicated, on both -- from both camps, some saying it
14 should be a lower number and more restrictive, therefore
15 requiring more sites to have a full permit. And there
16 have been voices from the other camps indicating that it
17 should be a much higher number and allowing more
18 facilities to operate in a lower tier.

19 The second issue deals with the terms used in the
20 definition for C&D as well as inert. Currently, the
21 version that was noticed for 45 days used the term C&D
22 debris as well as inert debris. There has been again the
23 two camps indicating a difference of opinion on what we
24 should call this waste stream or these two waste streams.
25 Some have indicated that waste is a more appropriate name

1 since it is a solid waste and is similar to mixed solid
2 wastes. Others have indicated that it is a unique waste
3 stream, different enough from mix solid waste that it
4 should be identified as different and unique and use a
5 different term.

6 It should be recognized that statute does clearly
7 indicate that C&D is a solid waste. So I don't think
8 there's any questions in staff's mind about that issue.
9 Otherwise we wouldn't be dealing with this waste stream if
10 it wasn't solid waste.

11 And it just kind of boils down to in regulation
12 what we should refer to this material as, either debris or
13 waste.

14 Issue C deals with an issue that we brought to
15 the attention of the Committee at the public hearing on
16 the 45-day comment period. And that was reflective of
17 some comments that we received, many from the LEA
18 community, indicating that there is a -- there are
19 materials out there that are currently processed at
20 facilities that also process C&D that are C&D like. They
21 have a similar nature of C&D. You see a lot of wood and
22 metal material coming from C&D sites. There is sources of
23 wood, lumber and metals from other non-C&D sites.

24 Currently, the regulations are written that only
25 material from a particular source, a C&D site as defined

1 in regulation, would be the only waste stream that could
2 be handled and processed at a C&D facility or operation.

3 The question is whether or not these sites should
4 also be allowed to handle processed C&D-like material,
5 material that is similar in nature to C&D, in addition to
6 the C&D materials.

7 And then Issue D is reflective of comments that
8 we've received about the two-part test being applied to
9 construction, demolition and inert processing facilities
10 as part of the definition. The two-part test deals with
11 the 10-percent residual. Currently, this 10-percent
12 residual test is applied to indicate the difference
13 between a recycling center and a solid waste transfer
14 station.

15 If a recycling center fails or -- not fails -- if
16 a recycling center after processing of the recycled
17 materials has 10 percent or more residual that is destined
18 for further processing or disposal, then it fails that
19 test and would be considered a solid waste transfer
20 station.

21 The concept that has been shared with staff is
22 that this should also be applied to C&D. So staff's view
23 is the net effect would be that if a C&D processing
24 facility fails to recycle basically 90 percent of the
25 waste stream, it would cease being a C&D processing

1 facility and, by default, would be -- need to be
2 considered a solid waste transfer facility.

3 --o0o--

4 MR. de BIE: So again, in the agenda item, these
5 issues are outlined, and then the various options are
6 outlined relative to each of the issues. And this
7 particular slide just indicates staff's recommendation on
8 the preferred option or staff's preferred option relative
9 to each issue.

10 So just very quickly, on option -- or on Issue A,
11 staff is suggesting that the current level of 500 tons,
12 the current level that's in the regulations that were
13 noticed for the 45-day and were subject to the public
14 hearing, be kept in the regulations and not changed at
15 this time.

16 So again, that would be 500 tons or more a
17 facility -- a C&D processing facility would require a full
18 Permit. If it was less than 500, it would be in
19 Registration. And if it's less than 100, it would be in
20 Notification.

21 In Issue B relative to what we call this waste
22 stream, either debris or waste, staff have come up with
23 something in the middle. We went back to one of the
24 versions of the regulations that was noticed for a 15-day
25 comment period back in '98-'99, that include the term "C&D

1 waste or C&D debris" and then followed with a definition.
2 So staff is suggesting that the definition be modified to
3 read "C&D Waste or C&D debris means" and then continue
4 with the definition.

5 On Issue C relative to the nature of the
6 material, because of the enforceability issues that have
7 been brought to our attention from LEAs and the
8 difficulty in tracking where this material actually comes
9 from when they're looking at a bin that has lumber in it,
10 determining whether or not that bin came from a C&D site
11 or if it came from a lumberyard or a furniture
12 manufacturer or whatever would be quite difficult. And
13 also accepting that the nature of the material is the
14 same. Lumber, no matter what the source, potentially
15 would be -- have the same public health, safety and
16 environmental issues.

17 So staff's recommendation is that the regs be
18 modified to allow C&D-like material or material that is
19 similar in nature to be processed at a C&D site along with
20 the C&D materials.

21 And then relative to Issue D, the -- applying the
22 two-part test, the 10-percent residual test to C&D,
23 staff's recommendation would be not to apply that test to
24 C&D. Our rationale is basically the two-part test is used
25 currently to make a distinction between a recycling

1 facility and a solid-waste facility. We would now be
2 applying the two-part test to a solid waste facility.
3 That's what a CDI site is; it's a solid waste facility.

4 And requiring a solid waste facility to basically
5 recycle 90 percent of the material in order to keep a
6 particular status of solid waste facility. If they fail
7 to meet that recycling requirement, they would then move
8 into a transfer facility and would need to change
9 operations that would include potentially removing the
10 material in a 48-hour timeframe and also complying with
11 the permit thresholds. So if they were operating at a
12 registration permit, if they changed their status to a
13 transfer station, they would probably have to move up to a
14 full permit.

15 We don't see the potential public health and
16 safety issues that would be an aspect of applying the
17 two-part test to these facilities. The same state minimum
18 standards would apply to both. So we think it's
19 adequately controlled.

20 In addition, the definition is very detailed in
21 terms of what this material needs to be. It would exclude
22 materials that would potentially be problematic relative
23 to public health, safety and the environment. I'll call
24 to your attention, as Allison indicated, that there is the
25 one-percent putrescible aspect to the definition. So we

1 would have assurance through enforcement of that
2 definition that there wouldn't be a large amount of
3 putrescible materials on site.

4 Certainly other kinds of non-C&D materials that
5 might end up as residuals could create problems, but they
6 would need to be addressed through the state minimum
7 standards. And I think they would be adequately
8 controlled.

9 So those are the four issues and staff's
10 recommendation. Again, you can see the other options that
11 staff have recorded. Most of these options were -- ones
12 that we had collected through the written comment period
13 as well as the public hearing. There may be additional
14 options that the Board -- the Committee may want to
15 entertain during this hearing.

16 And staff is ready and willing to answer any
17 questions and work with you as well as the stakeholders to
18 find some resolution relative to these four issues.

19 CHAIRPERSON PAPARIAN: Okay. Thank you.

20 And just so we're clear on the process from here.
21 My hope is that we're able to develop some sort of
22 Committee recommendation today, and that we present that
23 to the full Board at the meeting later this month. And
24 then if the full board is comfortable with that, that that
25 would be the direction.

1 Now, if you could tell us what happens then.

2 Once you get some direction, where are we in the process?

3 ACTING DEPUTY DIRECTOR WALKER: Let me go over
4 that real briefly.

5 What we would do is go back and draft a revised
6 changes, work with the stakeholders, and then bring it to
7 the Committee October or November for consideration of
8 changes. So once the Board and the Committee define the
9 direction on these issues, we could take that back and
10 prepare the changes to bring back again for consideration
11 of approval.

12 CHAIRPERSON PAPARIAN: Okay. So --

13 ACTING DEPUTY DIRECTOR WALKER: For comment. I'm
14 sorry, consideration of comment. You see, once the
15 Committee and the Board decides on the direction on these,
16 we could take this back, draft up the changes, and then
17 consider those changes. And then they will go out for
18 comment. So the stakeholders will have another
19 opportunity to comment on them.

20 CHAIRPERSON PAPARIAN: Okay. So whatever changes
21 are made will get put into the draft regulations. Those
22 draft regulations would then go out for a comment
23 period --

24 ACTING DEPUTY DIRECTOR WALKER: Or come back to
25 the Committee for the approval of the comment period.

1 CHAIRPERSON PAPARIAN: Come back to the Committee
2 for the approval of the comment period; then it would go
3 out for comments --

4 ACTING DEPUTY DIRECTOR WALKER: Formal comment,
5 yes.

6 CHAIRPERSON PAPARIAN: -- formal comments; and
7 then those comments would come back with the regulations
8 for further review by the Committee and the Board?

9 ACTING DEPUTY DIRECTOR WALKER: Correct. There
10 could be additional changes, depending upon the Committee
11 later, or the Committee may be in a position to adopt the
12 final regulations.

13 CHAIRPERSON PAPARIAN: Okay. And the comment
14 period, when it goes out for public comment, will that be
15 a 15-day comment period?

16 ACTING DEPUTY DIRECTOR WALKER: Well, normally it
17 would be formally a 15-day comment period. However, if
18 the Committee decides, they can hold that open for a
19 longer period than 15 days. In other words, technically
20 under the Administrative Procedures Act we're required to
21 make changes under a 15-day comment period provided
22 they're not -- you know, within these types of changes
23 that we've presented. But the Committee can hold that
24 open for a longer period of time to give more opportunity
25 for comment.

1 MR. de BIE: And staff would -- you know, when we
2 bring it back to the Committee for direction to put it out
3 for additional comment could indicate date certain when we
4 could basically close that opportunity to comment. And
5 that would be contingent on available time for staff to
6 process fully all of the comments. We don't want
7 comments, you know, the day before the Committee meeting
8 and not be able to analyze them. So we'll need some time
9 to read through the comments and do some assessment. But
10 it would be potentially longer than 15 days.

11 CHAIRPERSON PAPARIAN: Okay. So the upshot is
12 that whatever direction that we come up with today and
13 from the Board will simply help to hone the description --
14 or hone the language of the regulations, and that language
15 will then go out for additional comments. It won't be the
16 end of the process, by any means.

17 Any questions from Board members before we hear
18 testimony?

19 Mr. Jones.

20 COMMITTEE MEMBER JONES: Thank you, Mr. Chair.

21 The one thing that I found interesting at the
22 beginning of this is that we said there were two groups.
23 One that wanted it to be wide open and one that wanted it
24 to be onerous. The permitting process in the State of
25 California for any solid waste facility permit is onerous.

1 So really what it should have been, I think, is
2 that -- there's one group that wants to keep these things
3 consistent with State minimum standards and another group
4 that wants it to basically be nonregulated.

5 If an inert facility or if a facility chooses to
6 take source-separated inert material, could they take
7 that -- if it's source separated and they're going to
8 recycle it, it would fall under the category of a
9 recycling facility; it wouldn't even fall under the
10 category of an inert disposal -- or a transfer facility;
11 correct?

12 MS. REYNOLDS: Correct. If they meet the
13 three-part test, they're a recycling center, most of them
14 will be.

15 COMMITTEE MEMBER JONES: Well, it's a two-part
16 test really, right? Well, if it's source separated and
17 there's no residual, less a 10-percent residual, it's a
18 two-part test --

19 MS. REYNOLDS: Which usually there isn't.

20 COMMITTEE MEMBER JONES: -- which goes under our
21 existing recycling.

22 MS. REYNOLDS: Yes.

23 COMMITTEE MEMBER JONES: Which is going to deal
24 with a lot of the inert folks out there that are taking in
25 those materials legitimately, and while they stockpile

1 some of it, they grind it and it goes back into the
2 marketplace. You've got some storage issues that are part
3 of this reg package that should control that.

4 If a facility were to opt to designate an area of
5 their facility that was not within -- could be within or
6 not within -- to be a recycling facility, okay, it's
7 designated as an inert recycling facility -- now, I've
8 done this before, so I'm trying to lessen the confusion
9 here.

10 You could delineate an area on an existing parcel
11 and say that it is for inert -- source-separated inert
12 recycling, correct?

13 MR. de BIE: If I may.

14 COMMITTEE MEMBER JONES: And that would not fall
15 within the permitted --

16 MR. de BIE: Just to clarify. This is an
17 existing solid waste facility like a transfer station or
18 --

19 COMMITTEE MEMBER JONES. No. This is going to be
20 a brand new C&D out facility.

21 MR. de BIE: Okay. So they're taking mixed
22 construction-demolition as one aspect and then they wish
23 to also handle inerts but do it off in a corner
24 somewhere --

25 COMMITTEE MEMBER JONES: Source separated. So

1 actually they want to take up two-thirds of the property.

2 MR. de BIE: Okay. They'd have the choice of
3 indicating that these are actually two separate operations
4 or facilities. They can choose to address both of them
5 under one permit, the CDI permit, or they could indicate
6 that one is a CDI facility and one qualifies as an inert
7 recycling facility and not need to be covered under any
8 permit.

9 COMMITTEE MEMBER JONES: Okay. But our storage
10 issues would still --

11 MR. de BIE: Those standards would apply.

12 COMMITTEE MEMBER JONES: So there is some
13 oversight?

14 MR. de BIE: Certainly.

15 COMMITTEE MEMBER JONES: What I'm trying to get
16 at is that I'm not -- the more I hear from the LEAs, the
17 more I hear from every different person around here, there
18 are two separate issues. I have no problem with the
19 people that are trying to recycle inerts -- real inerts,
20 they're getting it source separated.

21 I have a huge problem with those that are trying
22 to operate the C&D with unlimited tonnages and basically
23 zero rules -- and it seems like they've got everybody
24 pretty much convinced of that, except me.

25 So I want to know what their options are. I mean

1 if they've got waste streams that -- because I want them
2 to be able to perform their business, but not at the sake
3 of health and safety. So they could declare that as two
4 separate operations under one permit.

5 MR. de BIE: Right. And the only thing we would
6 need to really examine or ask the LEA to examine is, you
7 know, are they unique enough. You know, if they're
8 sharing equipment back and forth, if they're running
9 material over the same belts and that sort of thing, if
10 the lines are blurred, then it may be difficult to say
11 these are two separate entities.

12 But certainly if it's a stand-alone or to some
13 extent stand-alone operation, yes, it can qualify as a
14 recycling center and not be included under the CDI.

15 COMMITTEE MEMBER JONES: Okay. If you want to go
16 to the nature instead of the source, what are you
17 proposing as a residual?

18 MR. de BIE: There would not be a residual
19 requirement there.

20 COMMITTEE MEMBER JONES: So you're saying -- we
21 had a proposal that said, "Here, you can haul these types
22 of materials because we feel comfortable with this"; now
23 you're saying, "We don't care what you haul and there
24 won't be a residual."?

25 MR. de BIE: No. We're saying it would be the

1 same type of materials. So if you're taking in C&D
2 material, is wood and metal and gypsum and other sorts of
3 materials that come out of CDI, are C&D sites, you could
4 in addition to those also handle lumber from other
5 sources, not construction-demolition. That's what's being
6 suggested.

7 Certainly, we can look at -- if we do go in the
8 direction of opening it up to include similar material --
9 similar material in nature, we could look at maybe
10 layering in a residual requirement or a contaminant level
11 requirement of that material, the similar material, not
12 the C&D material. So there could be a way of addressing
13 it through contaminant level as opposed to residual, which
14 I think would be quite similar in effect.

15 COMMITTEE MEMBER JONES: My problem is -- if you
16 look at your enforcement actions later today, you're going
17 to see a facility that's supposedly operated as a
18 recycling facility that actually buried this stuff
19 illegally. We know what we did in San Francisco. We've
20 got, you know, just example after example after example of
21 people that abuse this system. And that amazes me that
22 we're not addressing the idea. We're going to open it up
23 to more, but we're not addressing the residual of
24 contamination. That amazes me.

25 MR. de BIE: Well, relative to a recycling

1 facility, they would -- to continue to qualify as a
2 recycling facility, they would need to demonstrate the
3 10-percent residual. So if they're taking source
4 separated -- or separated at the point of generation
5 materials, and taking in C&D-like materials, they to
6 continue to qualify as a recycling center would need to
7 maintain under 10 percent.

8 COMMITTEE MEMBER JONES: These regs aren't for
9 recycling centers. They're for transfer facilities.

10 MR. de BIE: Well, they do define what qualifies
11 for a recycling facility and what qualifies for a C&D
12 site. It's our understanding that relative to the
13 two-part test, the 10 percent, the desire is to apply it
14 to a CDI processing facility and not just the recycling
15 facility.

16 The 10 percent does apply to recycling
17 facilities. So if you qualify for a recycling facility,
18 you need to maintain the 10 percent.

19 If you fail that, then you would be a CDI site,
20 and you don't need to maintain the 10 percent two-part
21 test.

22 CHAIRPERSON PAPARIAN: Mr. Medina.

23 COMMITTEE MEMBER MEDINA: Thank you, Chair
24 Paparian.

25 Actually, I'm very strongly supportive of the

1 staff recommendations. I'm very impressed at how the
2 staff has been able to carve out a middle ground in light
3 of all the various issues that have been presented.

4 I did have one question in regard to how C&D
5 debris is handled at mine sites. I know that we have some
6 mine sites that are permitted and some that are not.

7 So how is C&D handled at the mine sites?

8 MR. de BIE: Well, let me certainly respond to
9 your question. But first some context.

10 Today, the discussion is focusing on regulations
11 that only apply to processing facilities and not disposal
12 facilities. Typically, we see much of the activity at
13 mine sites as being disposal related. There are some that
14 do do some processing prior to disposal. Certainly, if
15 they have requirements to meet certain specifications for
16 the fill and the material comes in and doesn't meet those
17 specifications, some do do additional processing prior to
18 disposal. But, again, much of the activity we see at mine
19 sites is relative to disposal.

20 That is the Phase 2 regs that deal directly with
21 disposal. They would not be addressed under these
22 regulations.

23 Currently, there are similarities between Phase 1
24 and Phase 2. Many of the definitions -- certainly
25 definitions of debris and waste are consistent with those

1 that would address disposal at mines sites with these in
2 processing.

3 If a mine site was proposing materials, these
4 regulations would potentially apply to them. It depends
5 on if the operator wishes to set up two separate permits
6 or do the umbrella permit concept and have the processing
7 an aspect of the disposal operation.

8 COMMITTEE MEMBER MEDINA: Do we currently have
9 permitted mine sites and nonpermitted mine sites?

10 MR. de BIE: There are currently some mine sites
11 that do have full solid waste landfill permits. And they
12 are -- they were issued, you know, historically prior to
13 the Board setting up a tiered process prior to the Board
14 slotting or attempting to slot C&D materials.

15 There are some mine sites that are placing inert
16 material in those mines as part of reclamation that do not
17 have solid waste facility landfill permits. It is the
18 intent of Phase 2 of these regulations to clarify what is
19 required for those operations to occur under what tier.

20 But, again, today we're focusing more on the
21 Phase 1 aspect and not the Phase 2.

22 But it is staff's intent to continue working and
23 bringing those Phase 2 regs that will level the playing
24 field to some extent on the land -- the mine operations.

25 COMMITTEE MEMBER MEDINA: Very good. Thank you.

1 CHAIRPERSON PAPARIAN: Okay. We have a number of
2 speaker slips.

3 I'm going to ask the speakers to limit yourselves
4 to three minutes, if you can. I think that if we -- what
5 we're trying to do is focus on the four areas that the
6 staff has presented and are up on the screen up here.

7 So if you can limit yourself to three minutes,
8 that would be appreciated and help us get through this.

9 MR. de BIE: Sorry.

10 CHAIRPERSON PAPARIAN: Mr. de Bie.

11 MR. de BIE: Allison and I were debating what you
12 would like to have on the screen during this discussion,
13 either -- the staff's options were the issues or whatever
14 you feel might help facilitate the discussion and keep
15 people on target. It's your preference. Or nothing.

16 CHAIRPERSON PAPARIAN: Unless you have an
17 alternative suggestion, I think what's up there right now
18 is adequate.

19 MR. de BIE: Okay, great. We'll leave it alone.

20 I will point out though that there are additional
21 slides that Board members have. So as we get into the
22 discussion, if questions come up that focus on more
23 specifics on various issues and various options, we do
24 have some slides that can be put up on the screen to add
25 clarity hopefully.

1 CHAIRPERSON PAPARIAN: Okay. Thank you.

2 Okay. First I have Patrick Munoz, followed by
3 Mike Mohajer, and then Jeff Kroeker.

4 Good morning.

5 MR. MUNOZ: Morning.

6 We'd like to thank -- first of all, Patrick
7 Munoz, representing Madison Materials.

8 We'd like to thank staff for all the work and
9 effort that's gone into this process. And indicate that
10 we support the staff recommendations wholeheartedly with
11 respect to Issues C and D -- C1 and D1.

12 We have some concerns with Issues A and B, which
13 I'd like to briefly address.

14 With respect to Issue A, the tonnage amounts.
15 Obviously, there's these two camps you've heard about.
16 Although I would characterize our camp as a camp that
17 understands we'll be fully regulated. As staff pointed
18 out in their staff report, there are many, many
19 regulations that will apply to the Registration tier,
20 which is really what we're talking about. I think the
21 tonnage limits for the Registration tier that are
22 identical to the full solid waste permit.

23 The real issue in our minds is the difficulty and
24 realities of actually being able to obtain a solid waste
25 permit and our concerns in connection with that.

1 Staff is objective. They're your professionals
2 that you pay. And they were recommending 750 tons. And
3 it's my understanding they still support 750 tons as that
4 threshold. And that the reason that they are recommending
5 A1 instead of A3, which would be our suggested direct
6 choice from your choices, is not because of health and
7 safety concerns, but because of a desire for the tonnage
8 amount to be consistent with the chipping and grinding
9 tonnage amounts.

10 That's my understanding. You know, you can ask
11 staff if that's correct. If that's correct, I guess my
12 response is simply, well, why is there a need for that
13 consistency. And if there is some need for the
14 consistency, our preferred course of action would be,
15 well, increase the chipping and grinding amount. It's
16 also a fairly benign material. I'm not sure that there
17 would be a health and safety concern with respect to that
18 issue, although it's not an issue that's important to my
19 client particularly.

20 The change to 750 from 500 will not increase
21 health and safety concerns because staff has done a, I
22 think, admirable job of putting in language on putrescible
23 waste. It's not a one-percent limit that keeps increasing
24 with tonnage. It's one percent and cannot constitute a
25 public nuisance. So if the LEA determines that that .0005

1 percent is going to be a public nuisance, they have the
2 discretion to require a solid waste facility permit to
3 address the health and safety concern.

4 With respect to Issue B, the language, solid
5 waste -- or C&D waste versus C&D debris, the issue came up
6 because the folks on the other side of this issue were
7 concerned that using the term "debris" instead of "waste"
8 would create a market advantage in favor of folks that did
9 not have large franchises for hauling.

10 The solution that staff is proposing doesn't fix
11 the problem. It exacerbates the problem. It just puts
12 the advantage to the large franchised haulers by
13 redefining what is C&D waste.

14 The current definition of C&D waste says it's
15 anything from construction-demolition. We support that
16 definition. We support B4, which would allow two
17 definitions: One is C&D waste, which is everything; one,
18 which is C&D debris, which is those materials which are
19 permitted to go into these facilities, and which could
20 also then include C&D-like material which is option C1
21 that staff supports. It makes sense to use item B4. And
22 again not to put words in your staff's mouth, but it's my
23 understanding that your staff's legal counsel also thinks
24 that's the appropriate solution.

25 Thank for your time.

1 CHAIRPERSON PAPARIAN: Thank you.

2 Any questions?

3 COMMITTEE MEMBER JONES: Yeah.

4 CHAIRPERSON PAPARIAN: Mr. Jones.

5 COMMITTEE MEMBER JONES: Mr. Munoz, this change
6 from C&D waste to C&D debris was not at the direction of
7 the Board. It was at the -- the staff ended taking that
8 liberty on themselves. So this issue became created as a
9 result of your internal meetings, not because of this
10 Board. So, you know, the issue is still here because that
11 proposal never was a proposal that came out of this Board.

12 All right, just so you know.

13 MR. MUNOZ: I didn't suggest that it had.

14 COMMITTEE MEMBER JONES: So we're arguing
15 backwards now. Because the original text of what C&D
16 waste was has always been consistent until this time, and
17 then it got changed to debris, just so you know.

18 MR. MUNOZ: Yeah, I understand. Our suggestion
19 would certainly be to leave it the way it is.

20 COMMITTEE MEMBER JONES: No, your -- well, to
21 leave it the way it is would be to leave it as waste.

22 MR. MUNOZ: Exactly.

23 COMMITTEE MEMBER JONES: It only changed because
24 the staff took it upon themselves to change it; not this
25 Board and not what's in regulation. Okay?

1 MR. MUNOZ: I understand. And our suggestion
2 is --

3 COMMITTEE MEMBER JONES: So you're saying we
4 should go with the staff recommendation?

5 MR. MUNOZ: If you're asking me a question, I'll
6 be happy to respond. If you're just telling your
7 position, I understand. But I'd be happy to respond if
8 you'd like.

9 COMMITTEE MEMBER JONES: What I'm trying to clear
10 up is that this term and this issue did not come up at the
11 direction of this Board. It came up at the liberty of the
12 staff. Okay? So if you want us to leave it the way it
13 was or the way it is, it is C&D waste in reg.

14 MR. MUNOZ: And to be clear, we'd like to leave
15 the definition in Section, I think it's 17225.15, the way
16 it is; and then have each of the tests from the four-part
17 test inserted into the appropriate tier level.

18 COMMITTEE MEMBER JONES: Okay. But staff is
19 recommending that we not do any tests. Staff is
20 recommending in this package that there not be any tests.

21 MR. MUNOZ: I'm not sure that that's accurate.

22 COMMITTEE MEMBER JONES: I don't know. The last
23 recommendation says don't apply the test, that's on your
24 thing. So, you know, maybe that's -- you're asking us to
25 stay with a test. Staff recommendation says don't apply

1 the two-part test to the definition of the C&D process.

2 MR. MUNOZ: I'm not sure that's staff's
3 recommendation, but maybe you should clarify that with
4 your staff.

5 COMMITTEE MEMBER JONES: I'm looking at it right
6 here. It's Item 4. It's right behind you.

7 CHAIRPERSON PAPARIAN: You want to try to clarify
8 that?

9 MR. de BIE: I would like to clarify that.

10 It is staff's position that we not apply the
11 two-part test to the definition of the CDI processing
12 operation or facility. It will remain in place to make a
13 distinction between a construction-demolition or inert
14 recycling facility and a CDI processing facility. So it
15 will be used in that way, but not be used to indicate a
16 difference between a CDI site and a solid waste transfer
17 station.

18 So staff's recommendation is not to apply the
19 two-part test in that way.

20 MR. MUNOZ: Any further questions?

21 CHAIRPERSON PAPARIAN: No.

22 Thank you.

23 Okay. Mr. Mohajer, followed by Mr. Kroeker, then
24 Mr. Hammer, then Mr. Edgar.

25 MR. MOHAJER: Good morning, Mr. Chair, Members of

1 the Committee. My name is Mike Mohajer. I'm representing
2 L.A. County Public Works and L.A. County Integrated Waste
3 Management Task Force.

4 Mr. Chair, at task force meeting of August 15th,
5 2002, our task force adopted unanimously a motion to
6 commend the staff in appropriation of the C&D regulation
7 and the work that has been conducted so far. They
8 instructed me to attend the meeting and advise the
9 Committee. And especially for Allison Reynolds being
10 responsive to the comments that was offered and also
11 getting back to staff at L.A. County level.

12 Thank you.

13 CHAIRPERSON PAPARIAN: Thank you, Mr. Mohajer.

14 Mr. Kroeker.

15 MR. KROEKER: Good morning, Committee Members.

16 My name is Jeff Kroeker with Kroeker Demolition and
17 Recycling. I'm also a board member on the National
18 Association of Demolition Contractors and Chairman of the
19 Recycling Committee.

20 There are just a couple concerns with the -- if
21 we lower whatever tonnage you pick, if it's too low, it
22 just -- we cannot justify keeping full-time employees or
23 to recoup our capital investment that we have in order to
24 run the recycling line. It's just the -- you can't work
25 people for the 300 tons a day or the 500 tons a day. It's

1 not a full 8-hour shift. And we would have to lay people
2 off or just prolong it to run all day long rather than
3 hurrying up and getting it done and process more waste.

4 That was basically my only comment.

5 The rest of the staff has done a tremendous job
6 working this through. And as you explained earlier, it
7 goes to comment and back and forth and back and forth.
8 It's a long tedious battle. And we appreciate everybody's
9 efforts in making this happen.

10 CHAIRPERSON PAPARIAN: Yeah. Just to clarify one
11 thing. The intention of all this is not to prevent you
12 from processing a certain amount of tonnage. The question
13 is at what point do you need to get a permit and what
14 point do you need to get what type of permit.

15 MR. KROEKER: Is the tiered regulations -- the
16 way you have the tiers and with the LEA visits to your
17 sites, I would think that their enforcement would be
18 sufficient to -- because we don't -- in my opinion, we
19 don't handle -- I know we have a definition of solid
20 waste, but to me solid waste is garbage. We don't handle
21 garbage you know. And I term solid waste as wet garbage.
22 We do construction and demolition debris. So I don't
23 like -- wouldn't like to be put into that category and
24 have to acquire that permit.

25 CHAIRPERSON PAPARIAN: Yeah, but -- and maybe

1 staff can help me with this to make sure I'm understanding
2 this right.

3 Under staff's proposal, at 100 tons, people would
4 have to get a registration permit; and then at 500 tons or
5 whatever other number we might choose, they would have to
6 get a full permit. In terms of the differences between
7 the registration permit and the full permit, my
8 understanding is that once you have that permit in hand,
9 you wouldn't notice a difference in terms of your
10 inspections and requirements for your operation. Is that
11 right?

12 MR. de BIE: I think you can make that
13 assumption, certainly.

14 And to clarify yet further. If you had a full
15 permit, you could write any tonnage limit. In that permit
16 you would be 500 and more. There would not be any limit
17 as long as it's supported and can be handled.

18 Also, that train of thought starts with an
19 assumption that the facility qualifies as a C&D site.
20 They may -- because of the way the material comes to them,
21 may actually qualify for a recycling facility and there
22 would be no limit on the amount of material they could
23 take in at the recycling facility.

24 CHAIRPERSON PAPARIAN: Okay. So assuming that
25 they were a C&D site, I guess -- one of the concerns I

1 heard from some of the C&D operators is -- well, I heard a
2 comfort with getting the registration permit and a concern
3 that getting the full permit would be overwhelmingly
4 challenging.

5 Would you like to comment on that?

6 MR. de BIE: I can only share, you know, the
7 point of view from the State staff and our experience
8 working with LEAs and operators. Certainly, there may be
9 additional requirements required for a full permit that
10 might not be required for a registration. My point of
11 view indicates that if a facility is up and running
12 currently, and the State changes the requirements relative
13 to permit or no permit or level of permit, that doesn't
14 necessarily change anything on the ground physically
15 unless the operator is also asking for changes in that
16 area.

17 And so the issuance of a permit could potentially
18 in many case just be a ministerial action because there is
19 no new impacts that are being created. Because a lot of
20 the concern centers around CEQA and those issues.

21 So in some circumstances if the facility is up
22 and running and now we have at the State level instituted
23 a requirement, it may actually qualify for ministerial.

24 There may be some shifts locally in how the
25 facility is now being defined by the State that may

1 require some changes locally in terms of land use.

2 I've heard examples of a facility being
3 recognized locally as a recycling facility and qualifying
4 for certain land use as that. Certainly, if we now
5 defined them at the State level as being a solid waste
6 facility, that may affect their land use approvals and
7 they may need to go back and have those changed. But that
8 would occur whether they were a Registration or a Full.
9 It wouldn't matter because they would be defined as a
10 solid waste facility.

11 So that wouldn't be a distinction.

12 CHAIRPERSON PAPARIAN: Okay. Now, let's
13 suppose -- and I don't know the size of Mr. Kroeker's
14 facility, but let's suppose it's 510 tons per day, and
15 these regulations went into effect. How long would he
16 have to get a permit? Would he be put out of business at
17 some point as he's trying to go through the permit
18 process?

19 MR. KROEKER: Yeah, that's what is that grace
20 period between when you adopt the rules -- and if we were
21 to apply for the solid waste permit, what is that length
22 of time.

23 MR. de BIE: Allison indicates that we have a
24 6-month delay -- or we're planning to include a 6-month in
25 the next version. That's consistent with what's in the

1 composting -- or the approach to the composting materials.

2 So we envision a 6-month delay of implementation.

3 Certainly working with the LEA, you know, there's ways of

4 allowing certain operations to continue under compliance

5 schedules while they're working through the permit

6 process. That's occurred in the past, too.

7 CHIEF COUNSEL TOBIAS: I'd like to clarify

8 something that Mark said. And I'm not sure he meant to

9 use this word. So let me try to clarify what would happen

10 I think with the CEQA and the permit process. And then if

11 staff really disagrees, then maybe we should come back in

12 front of the Board in a minute and talk about this.

13 My understanding of what would happen is that if

14 the Board adds a new permit requirement in a facility

15 which is now not permitted, needs to come in and get a

16 permit, that that would be a discretionary decision that

17 the Board would be making on that particular facility to

18 get a full permit.

19 And if they were going to get a full permit, CEQA

20 requires a discussion -- a disclosure of any impacts when

21 you have a discretionary decision being made. So it's

22 highly possible that an existing facility already

23 operating would probably not be found to have significant

24 impacts. I would anticipate that most of them would come

25 under a Negative Declaration basically saying that they're

1 already in place and that, you know, here's the things
2 that are happening. But that's a decision that evaluation
3 is one that has to be made.

4 If they're coming in at a lower level permit,
5 then again we'd be looking to see what the impacts were at
6 that time. So I don't -- I'm not sure that Mark meant to
7 use the word "ministerial," which implies that there is no
8 discretion involved on the part of the Board, because of
9 course there is; but he may have meant that, you know,
10 most of the permit activities will probably not rise to a
11 level of significance and, therefore, will either be
12 exempt or would be less than significant, which requires a
13 Negative Declaration.

14 CHAIRPERSON PAPARIAN: Thank you for that
15 clarification. I suspect -- I don't want to put words in
16 to Mr. De Bie's mouth, but I think he used a legal term
17 that meant something different to the Legal Office than
18 maybe was intended. But I think -- do we have any
19 difference --

20 MR. de BIE: I think it's semantics, and --

21 CHAIRPERSON PAPARIAN: But in terms of the bottom
22 line of what she suggested --

23 MR. de BIE: The bottom line is shared by Board
24 staff along with the legal staff.

25 CHAIRPERSON PAPARIAN: Good.

1 Mr. Jones.

2 COMMITTEE MEMBER JONES: One question of staff
3 and then one question of Mr. Kroeker.

4 If we -- because there may be so many facilities
5 that are going to finally need to be permitted, we ought
6 to be able to deal with this -- rather than an arbitrary
7 time line, you ought to think about talking with the LEAs
8 and see if the process gets initiated within so many
9 months. And as long as there is continual progress being
10 made towards the permit, that that would be the trigger.
11 And then if one party decides to, you know, put the halt
12 to it, then put in some kind of quick timeline that the
13 LEA could bring in in front of the Board or give it a
14 cease and desist order.

15 But I would just offer this as a suggestion, that
16 rather than an arbitrary timeline, because there's going
17 to be a lot of facilities going to be coming in front of
18 this Committee, that you give operators the opportunity to
19 initiate and be working with it. Because some are going
20 to take CEQA, some are going to create -- you know, are
21 going to have problems. Others are going to be slam
22 dunks. And as long as they're in the process, I think
23 that would be, you know, something I'm going to offer
24 anyway for members to think about, because it would give
25 both sides the time that they'd need to get this done

1 without some arbitrary timeline. I just offer it as a
2 suggestion. We've done it that way before.

3 CHAIRPERSON PAPARIAN: Yeah, I think it's
4 certainly related to the stuff that we're talking about
5 here today. But I think we ought to look perhaps at some
6 of the options. I'm sympathetic with the direction you're
7 going --

8 COMMITTEE MEMBER JONES: I understand. But the
9 question that was asked was 6 months. And I'm just
10 offering another version, because 6 months would get it
11 done for every C&D operator in the State of California.

12 CHAIRPERSON PAPARIAN: Yeah, and what we would
13 want to make sure is that you don't have a sham operator
14 being able to continue to do business under the guise of
15 attempting to get a permit. So there would have to be
16 some sort of check and balance in there, and that's what I
17 would want to make sure of.

18 Go ahead.

19 COMMITTEE MEMBER JONES: Mr. Kroeker, you had
20 talked about the tiers and how you thought that it already
21 effectively, you know, created the enforcement level at
22 your facility?

23 MR. KROEKER: The ones that are proposed?

24 COMMITTEE MEMBER JONES: The ones that you
25 already have. Because you made a comment and you said

1 you'd -- I don't want to put words in your mouth.

2 How did you explain what garbage is? I mean you
3 said you do C&D. You think garbage is --

4 MR. KROEKER: Well, my interpretation as a
5 demolition contractor and recycled construction demolition
6 debris -- we also have a front loader truck and we pick up
7 trash at the University -- or Fresno State. To me that is
8 garbage. That goes straight out to American Avenue
9 Landfill. We don't do anything with that garbage. The
10 C&D has a potential to be recycled. So that's --

11 COMMITTEE MEMBER JONES: So you're saying that
12 everything else is C&D?

13 MR. KROEKER: No, there are limitations as your
14 interpretations or your description allows. You can't --
15 we don't bring everything into our yard. There's a
16 judgment call. It's just when you do your load checking,
17 either it comes in or it goes out to the landfill. We
18 don't want everything in there. I don't want everybody's
19 household garbage.

20 What I was referring to on the tiered regulations
21 that are proposed, and I think you've clarified it, if we
22 need to get a solid waste permit and that's -- the
23 timeframe is not as long as I've heard, for anywhere from
24 18 months or whatever, you know, what do we do in that
25 transition period is what worried me, because we still

1 have an ongoing operation with, of course, payments and
2 employees and every -- you know, we don't want to stop
3 that.

4 COMMITTEE MEMBER JONES: Sure. And I don't blame
5 you. I agree with you.

6 MR. KROEKER: But thank you very much.

7 CHAIRPERSON PAPARIAN: Thank you.

8 Okay. Mr. Hammer, followed by Sean Edgar,
9 followed by Chuck Helget, followed by Chuck White.

10 MR. HAMMER: Good morning. My name is Mike
11 Hammer, and I'm with Looney Bins. And we're a small C&D
12 processor and we have a roll-off hauling division in the
13 San Fernando Valley area.

14 We employ about 70 people. And our sorting is
15 kind of the old fashioned, blood, sweat, and tears. We
16 put it on the ground and we have picking crews that just
17 hand sort all the material.

18 We consistently divert over 70 percent of all the
19 materials, C&D debris that we bring into our facility.
20 Some projects we get over 90 percent, but as a facility
21 rate we get right around 70 percent.

22 You know, as a smaller processor, the thought of
23 having to get a full solid waste permit is a difficult
24 burden for us. It's expensive. Going through the CEQA
25 process. In the City of Los Angeles, they're not very

1 favorable to anything that says solid waste. You know,
2 especially in the valley we've got, you know, Bradley
3 Landfill right there, we've got Sunshine Canyon. So the
4 valley residents aren't really excited about anything that
5 says solid waste.

6 And so just the cost aspect of it is very, very
7 difficult for us. I mean we average probably around 100
8 tons a day. But we do have days, if we have one big
9 project, where we brought in 400 to 500 tons just from one
10 demolition contractor. And so, you know, even a 500-ton
11 limit, if we have a couple big projects, that we don't
12 average that on a daily basis, it will put us -- to
13 require a solid waste full permit is a burden that a small
14 company like us couldn't bear.

15 And also the D1 option, we're very supportive of
16 that, to take out the second-part test, because
17 otherwise -- you know, you guys have given us awards for
18 many years for our recycling efforts and our waste
19 reduction. While again if our average diversion is, say,
20 70, 75 percent, you apply the second-part test to us, no
21 matter what our daily limits are, you're going to push us
22 into a full solid waste permit. So we really support the
23 D1 to not apply the second-part test.

24 And I really feel that the protective measures
25 for the safety and health that are in the suggested

1 Registration tier would be sufficient to protect the
2 public -- protect everybody against any safety and health
3 issue because you have the nuisance language, you have the
4 one-percent putrescible limit in there, and there's
5 monthly inspections by the LEAs. So, you know, it's the
6 same oversight that would be with the full solid waste.
7 It's not so much that we're against the LEA coming in.
8 We're supportive of that and we want to comply. But it's
9 more just a burden of having to go through that process.

10 We want to become a big processor. But if you
11 put that -- the barrier, you know, too low on the per-day
12 ton limit, you'll effectively prevent a small company from
13 ever being able to grow into a big one, because the two
14 things -- if the second test is applied, you're requiring
15 a 90-percent diversion right off the bat. The only thing
16 that's going to achieve that are the multimillion dollar
17 sorting facilities. And then also just going through the
18 CEQA process for a small company is very, very difficult
19 for us.

20 So I would just urge the Board to adopt the
21 750-ton limit. Leave the waste -- or the C&D waste
22 definition that is in statute right now. Just leave it
23 the way it is. And, you know, we think the Registration
24 tier is really good for us, and keep the limits to that on
25 a high level.

1 Thank you.

2 CHAIRPERSON PAPARIAN: Thank you.

3 Any questions?

4 Okay. Sean Edgar.

5 MR. EDGAR: Good morning, Mr. Chairman and
6 Members of the Committee. Sean Edgar on behalf of the
7 California Refuse Removal Council. We did distribute a
8 letter for your review. I just want to be brief and hit a
9 few points in those letters.

10 We do thank staff for their efforts in laying out
11 a multiplicity of options for you. And in our review, we
12 came forward with the recommendations for the following
13 options:

14 Firstly, Option A2, the 100 ton per day
15 threshold. We strongly believe that CDI facilities
16 accepting 100 tons per day of mixed C&D waste present
17 similar risk to the public health and safety as do
18 municipal solid waste transfer processing stations. We
19 based that -- and your staff has based that in the initial
20 statement of reasons dated May 17th of this year. On Page
21 21 staff indicates that the CEQA review -- that --
22 sorry -- that the equivalent risk is presented by CDI and
23 MSW processing operations.

24 Further, staff indicates correctly in the report
25 before you, and our prior discussion, that CEQA review may

1 or may not be taken up at the local level for a
2 Registration permit. At the proposed 500 tons per day
3 level, that's -- at 10 tons a day, that's 50 re-boxes
4 coming into a facility, that there is no requirement for a
5 CEQA process to be completed at the local level. There's
6 also no Waste Board oversight up to the 500-ton per day
7 level.

8 Furthermore, the enforcement agency cannot put
9 site-specific conditions into a Registration permit. And
10 we believe that the 100-ton per day requirement must be
11 the appropriate level of regulation for these facilities
12 based on the aforementioned reasons.

13 Briefly on Option B2 and B7, we recommend those
14 two options, pertaining to the word "waste" versus
15 "debris." We believe that the term "waste" is the most
16 appropriate to describe solid waste that is collected and
17 transported to a possessing facility. Once proposed into
18 market products the waste may be called something else.
19 Waste is waste is waste. And the CIWMB and local
20 governments authority to regulate and manage waste is
21 derived from a waste classification.

22 Finally, I'd like to close with our
23 recommendation for Option B2 -- sorry -- D, as in dog, 2,
24 pertaining to residual. Tied to our comments above
25 regarding the 100-ton per day threshold, we believe that

1 without a limit on residual solid waste unlimited amounts
2 of solid waste could be accepted at CDI facilities. The
3 staff rationale that C&D debris is, quote, a cleaner
4 material stream because it would meet the one and three
5 parts -- tests one and three, closed quote, is flawed
6 simply because the commingled waste stream is -- if it's
7 only source separated and there's only one percent
8 putrescible, what does that leave? That leaves 99 percent
9 of nonrecyclable potentially dry garbage. It could be
10 E-waste, it could be U-waste, it could be a variety of
11 things that we believe dictates a substantial level of
12 control.

13 Just in closing, we believe that these edits
14 provide our vision of what we believe the regulatory
15 efforts should accomplish to protect the public health and
16 safety. The CRRC is aware that nearly all jurisdictions
17 coming before this Board with plans to maintain or achieve
18 the 50-percent mandate are doing so with a program for C&D
19 recovery. We believe that the operation of the existing
20 programs and the commencement of new programs must be
21 achieved in a regulatory environment that is cognizant of
22 the impact on local communities and regulates that risk
23 appropriately.

24 We appreciate your time to allow us to share our
25 comments with you. And we'd be happy to answer any

1 questions.

2 CHAIRPERSON PAPARIAN: Any questions?

3 Thank you, Mr. Edgar.

4 Okay. Mr. Helget, followed by Mr. White, then
5 Linda Wise, John Gambelin.

6 MR. HELGET: Chuck Helget representing the Allied
7 Waste. In the sake of time, I'll just simply concur with
8 Sean's comments and close at that. Then hopefully, you'll
9 give me time on my ADC comments later.

10 CHAIRPERSON PAPARIAN: Thank you, Mr. Helget.

11 Mr. White.

12 MR. WHITE: Thank you, Mr. Chairman, Members of
13 the Committee. Chuck White with Waste Management.

14 I do really appreciate the effort that the staff
15 has put in. I've got nothing but the highest respect and
16 regard for their efforts. Unfortunately, I have to just
17 disagree with all of their recommendations.

18 But it's done in a -- hopefully a cooperative
19 and -- a cooperative working relationship.

20 With respect to the first item, Item A. Likewise
21 with CRRC, we believe of the options provided, the 100
22 seems to be the correct ton per day for C&D. And a lot of
23 that we base on the Department of Toxics 1990 survey of
24 the building construction industry which they produced.
25 We're not aware of any information that is -- that would

1 say this situation is no longer changed. They document
2 that there are, you know, 70 to 80 different kinds of
3 hazardous materials could typically be used on
4 construction sites, so they would make their way into the
5 commingled construction debris that would be generated by
6 these construction sites.

7 And one of the findings of the Department of
8 Toxics was that small operations generally do not manage
9 hazardous materials and waste appropriately associated
10 with construction C&D. And so for that reason we believe
11 it makes sense to put essentially the same kind of
12 permitting requirements on large versus small operations,
13 to ensure that these kind of problems are avoided.

14 So, again, we would recommend 100 ton per day or
15 something closer to 100 ton per day than the other options
16 that are presented.

17 Issue B, we believe, likewise, that the term
18 "waste" should be used for any materials that are
19 waste-like. It should be a waste until it reenters --
20 this is to paraphrase a Public Resources Code -- until it
21 reenters the economic mainstream as a substitute for a raw
22 material. That point in time it might leave the area of
23 waste. But until that point in time it should be included
24 clearly in the definition of waste to remove any potential
25 for ambiguity.

1 The only type of material that's within these
2 regulations currently that we think that debris might be
3 applied to legitimately would be the clean inert
4 materials, the Type A inert materials. If you wanted to
5 call that Type A clean inert debris, I don't think we
6 would have any objection to that. But with respect to the
7 other commingled types, we think the term "waste" is
8 really the appropriate term.

9 With respect to Issue C, this is a little bit
10 complicated, with respect to the C&D-like material. I
11 guess I'm partially responsible for having this issue come
12 up, because we have chipping and grinding operations that
13 bring in not only compostable materials but also bring in
14 C&D materials. But they also might bring in other types
15 of wood products for chipping or grinding, like pallets or
16 like furniture waste from a furniture manufacturing
17 operation. And we raised the question as how would these
18 additional tonnages of these materials affect the tiering
19 under the C&D or even the composting regs.

20 I'm not even sure it's really an issue, because
21 if we're bringing in source-separated pallet material, is
22 that really a waste material or is it source separated and
23 be going through an exempt recycling operation?

24 Saying with source-separated waste -- wood waste
25 coming from wood manufacturing, is that really a waste or

1 is that a separated material?

2 Our preference would be -- even if it's not --
3 let's deal with this through a separate rule-making
4 package down the road to deal with C&D-like materials.
5 Our concern is that you're really broadening the scope of
6 the regulations, which were originally 45-day noticed for
7 C&D materials. If you start going into C&D-like
8 materials, which start looking like solid waste materials,
9 you're talking about metal objects and other kinds of
10 major appliances, metals, textiles, plastic, glass, film
11 plastic, durable plastic items, this looks more and more
12 like municipal solid waste, and I think you're really
13 broadening the scope of the regulations and you'd almost
14 have to start a new 45-day notice period.

15 So we would suggest that you stay with the
16 current definition and scope of the regulations applicable
17 to C&D materials. Let's take a look at what other kinds
18 of chipping and grinding -- chipping and grinding's the
19 operation -- what other kinds of wood materials are coming
20 in, do they really need to be regulated? And then through
21 a supplementary rule-making package you could go through
22 another process to amend these regulations.

23 There really isn't a health and safety problem
24 that we're aware of. It's taken 8 years to put this
25 regulation package together, the world hasn't come to an

1 end. If there's a few types of materials that are unclear
2 or where they should be slotted into this tier, I don't
3 think it really is a public health threat for this kind of
4 material.

5 The other issue related to C is -- it's not so
6 much in the summary, but it's actually on Page 37-5 at the
7 bottom. There's this B at the bottom of that page, which
8 I'm not sure what -- the intent of that, but it scared me
9 a little bit when I read it. And maybe it just is a
10 matter of semantics, as Mr. de Bie mentioned on another
11 item earlier. But it seems like you're going to be
12 requiring multiple activities at a single location to
13 blend all of the tonnages together to figure out which is
14 the most stringent permit tier for all of those operations
15 to be permitted.

16 And if that's -- you're talking about a chipping
17 and grinding operation where all materials be commingled
18 together, I can understand that. But it doesn't seem to
19 differentiate that from other kinds of multiple operations
20 that might appear at the same time but are physically
21 separated. And it would appear that that language is
22 contrary to your previous LEA advisories, issuance of
23 multiple permits, and what tonnage amounts handled -- this
24 is LEA Advisory 39 and 25 -- that allow you to have
25 multiple operations at a single location as long as

1 they're physically separate and separately defined and you
2 don't add the tonnages of all those operations together to
3 figure out what tier you're in.

4 I would hope that you stay true to your existing
5 LEA advisories with respect to this kind of material,
6 these kind of operations. So if you've got, you know, a
7 wood chipping operation is eligible for a registration
8 tier, you've got a transfer operation that's eligible for
9 a registration tier, and you've got some other kind of
10 operation that's eligible for registration tier. Those
11 totaled together, as long as the LEA has approved a
12 separation, wouldn't in total require you to get a higher
13 tier-type facility.

14 CHAIRPERSON PAPARIAN: If you could try to
15 summarize, Mr. White.

16 MR. WHITE: I'm almost finished. I appreciate
17 the time. Thank you very much.

18 The last item, Issue D, is actually in my mind
19 related to Item A. If the Board were to say that the 100
20 ton per day limit is the appropriate limit, then I would
21 agree, you do not need to apply the second-part test. But
22 it's a function of how far you depart from that 100 ton
23 per day determines whether there's a need to add on the
24 second-part test to C&D processing. If you go to 500, and
25 certainly if you go to 750, I would say that you would

1 want to impose that second-part test to make sure people
2 don't start operating transfer operations under the C&D
3 regulations by handling nonputrescible municipal solid
4 waste. And basically just using this as a way to
5 circumvent needing to get a full permit for 100 tons per
6 day under the transfer and processing regs.

7 So basically if you go close -- you're at 100 and
8 close to 100, you're absolutely right, you don't need the
9 second-part test. If you get far away from 100, to 500,
10 750, I would argue that you do need to apply that
11 second-part test to the C&D-type operations.

12 Thank you very much. And I appreciate the
13 opportunity. And my apologies for going slightly over
14 your three-minute limit.

15 CHAIRPERSON PAPARIAN: Thank you, Mr. White.

16 Any questions?

17 Okay. Linda Wise.

18 MS. WISE: Good morning. I'm Linda Wise. I'm
19 the LEA for the Yuba/Sutter area. And I've come today to
20 support all the recommendations that have been outlined
21 for you today, mainly because I think I'm going to be the
22 one on the -- people like me are going to be the one on
23 the front line of implementing these kind of regulations.
24 And I find them very useful.

25 The reason why is, as you know, our Yuba County

1 is an area that is vast open space -- and echo what Steven
2 Jones says -- there are a lot people out there that are
3 sham operators, and we find them in our area. A lot of
4 our acreage is zoned to be able to handle recycling
5 activities. And we have two or three of them currently
6 active at this point.

7 And one case I'd like to illustrate to you is
8 that we've had a complaint recently on -- back in March,
9 where an operator who was working on an area out on
10 Feather River Boulevard -- it's a very low-income area --
11 where they're taking in construction and demolition debris
12 at, approximately 500 tons a day. And the pile is growing
13 larger and larger and larger. And so far how we've been
14 able to address this is just basically on zoning issues.
15 And the LEA has had the hands tied with dealing with the
16 storage issues on this.

17 I would like to see that these regulations go
18 into effect so that I have some more tools.

19 Thank you.

20 CHAIRPERSON PAPARIAN: Any questions?

21 Okay. Don Gambelin.

22 MR. GAMBELIN: Good morning. Don Gambelin,
23 NorCal Waste Systems in San Francisco.

24 A lot of good discussion today. I think what it
25 really boils down to is let's look at equity in the

1 regulatory environment and let's not skirt CEQA in the
2 public review process, supposedly in the name of
3 recycling.

4 NorCal -- two of NorCal's subsidiaries operate
5 C&D recycling facilities. Both of those operations are
6 conducted under full solid waste facilities permits and
7 have the full support of the Board through that process.

8 One of those operations, for instance, is less
9 than 100 tons per day operation. I raise this as an
10 important issue because it seems that people have argued
11 extensively that the type of material doesn't present any
12 problems. Maybe it doesn't in certain cases. But I do
13 know that during both of the permitting processes for our
14 C&D operations, there were important environmental, health
15 and safety issues that were evaluated out in the public
16 realm and changes made to the proposed operations. And I
17 think making them better facilities overall and more
18 protective of the environmental health -- of the
19 environment and health and safety.

20 So I think there is certainly evidence that there
21 are potential environmental and health and safety issues
22 that do arise regardless of the size of the facility. And
23 I think it certainly speaks to the case for maintaining as
24 low of a cap or an upper limit on the size of an operation
25 before that operation needs a full solid waste facility

1 permit and is subject to a discretionary approval and a
2 CEQA process.

3 I'm also not aware of any exemption under CEQA
4 that can be made -- that can accommodate a small operator
5 who's going to be burdened by going through an
6 environmental review process. That exemption just
7 certainly doesn't exist, and I think for good reason.
8 Again because regardless of the size of certain
9 operations, they can certainly impact the environment.

10 Often times there's too much focus or there has
11 been a large focus through this entire process on the
12 waste material and the fact that it may not be that bad
13 for the environment or may not create that many problems.
14 I think unfortunately there may have been too much focus
15 on this material type. And the fact that you simply have
16 a sizable operation, regardless of the material that it's
17 handling, could lead to environmental and health and
18 safety issues that, again, need to be addressed, need to
19 be evaluated through a CEQA process, a CEQA process that
20 may not necessarily come about if the facility is only
21 subject to a registration level permit.

22 And, finally, just to close, I am glad to see
23 that Item Number 2 up on the Board is finally being
24 discussed. It's been like pulling teeth to get Board
25 staff to address this issue. It was raised during the

1 workshops leading up to the 45-day version of the draft
2 regulations. It was raised in a comment letter on those
3 45-day -- or during that 45-day process. And it was again
4 raised at the June 26th workshop; I raised it myself at
5 the June 26th workshop here on the C&D regs.

6 Interestingly enough, it was never identified as
7 a significant comment even in that June 26 workshop. So
8 I'm glad to see it's finally being discussed. And it's
9 certainly not one to be glossed over. Hopefully there's a
10 little bit more time to fully assess what it does mean or
11 doesn't mean as it's finally getting the attention that it
12 does deserve.

13 So I hope -- you've been clear -- I would say
14 that our comments as far as specifically on the options,
15 they do mirror what Sean Edgar had for CRRC and what he
16 presented in the letter. And I will close with that.

17 Thank you.

18 CHAIRPERSON PAPARIAN: Thank you very much.

19 Those are all the comment slips that we had.

20 Anything staff would like to add before we
21 discuss this further?

22 MR. de BIE: Not at this time. I think, you
23 know, if the Committee has questions, clarification, we're
24 available to give you additional information.

25 I personally have not heard anything that would

1 shift the recommendation on the options, other than
2 maybe -- well, no. I'll say we're pretty certain our
3 recommendations are okay.

4 CHAIRPERSON PAPARIAN: Okay. What I'd like to do
5 is just take these one-by-one, see if we can either reach
6 a consensus or, you know, some other form of indication of
7 where the Committee may stand.

8 Issue 1 is the question of the tons per day. And
9 basically I think that -- well, where we're at is that a
10 permit kicks in at a 100 tons per day. Some would argue
11 that it should be a full permit. Some would argue that it
12 should be a registration permit.

13 And if it's a registration permit, then the
14 question is when would the full permit kick in. Some have
15 suggested 500 tons per day, as the staff has suggested.
16 And then some have suggested 750 tons per day for a full
17 permit.

18 Any comments or thoughts from Board members on
19 this.

20 COMMITTEE MEMBER JONES: Mr. Paparian?

21 CHAIRPERSON PAPARIAN: Mr. Jones.

22 COMMITTEE MEMBER JONES: The intent when this
23 thing first started when it was in San Francisco, there
24 was a willingness on my part, if there was a correct
25 definition, to be a little bit flexible. And I see that

1 flexibility leaving all the time.

2 I know the regs are not part of this package that
3 was given to us, but I want to put something in
4 perspective when we're looking at the tonnages.

5 One of the big issues that drove this was that
6 the State was cleaning up "abandoned", quote-unquote, C&D
7 transfer stations and processing facilities. I don't
8 think there's any argument to that, right? Okay.

9 The way our regs are written people can store
10 30-days worth of material, the equivalent of 30-days worth
11 of material on a site before they are in violation.
12 Processed material or unprocessed, right?

13 At 100 tons a day, we're looking at 3,000 tons.
14 At 750 tons a day, we're looking at 22,500 tons of
15 material that everybody is saying is not a problem. It is
16 a problem. We've cleaned these facilities up, up and down
17 the State. And I think that it has to be in that context
18 where we look at protecting the public health and safety
19 and protecting the treasury of this Board, that we need to
20 look at our exposure. And our exposure at 500 tons a day
21 is 15,000 tons of material that can be stockpiled on a
22 site that calls itself a C&D recycling -- or processing
23 facility.

24 And there's nothing in these regs that don't --
25 that also don't stop somebody from bringing in all of this

1 material and then turning around and toploading it into a
2 trailer and hauling it to a landfill. Okay?

3 So this is not the end-all, this is now how we're
4 going to recycle the waste stream. This thing was
5 designed to protect the public health and safety and our
6 treasury. And it's for that reason that I have come down
7 from my 300 tons, that I was willing to go to, to 100
8 tons. Because there's too much exposure to our treasury.
9 And the more I hear testimony, the more I'm convinced that
10 that's what makes sense to protect the treasury, because
11 of the stockpiles, that really aren't even addressed in
12 the option.

13 But it clearly -- that's what drove this whole
14 thing. So I wanted the members to be of those tonnages.
15 At 100 tons a day, we're looking at 3,000; 500, we're
16 looking at 15,000 tons; and at 750, we're looking at
17 22,500 tons of material that under our blessing can be
18 stored at some facility, under the guise of a Registration
19 tier which have no conditions that we can add to it or
20 that an LEA can add to it. That's the other part that you
21 have to take into consideration.

22 Under Registration tier nobody has a right to add
23 conditions. See, we can't even enforce anything, if we
24 wanted to go to a Registration tier. We can't even say,
25 give the LEAs the tools they need to clean this up.

1 Because what we're going really going to say is that,
2 well, it's a Registration tier and we can't put conditions
3 on it, by our statutes. So on that 100, I think those are
4 important issues to really understand, is what that
5 stockpiling effect can be.

6 So I'm obviously voting for the 100.

7 (Laughter.)

8 CHAIRPERSON PAPARIAN: Got that message.

9 (Laughter.)

10 CHAIRPERSON PAPARIAN: Can we just clarify that
11 one question, the difference between Registration permit
12 and the Full permit. Because, I mean, as I'm
13 understanding it, anything over 100 tons would be
14 permitted, would be subject to monthly inspections, would
15 be subject to virtually everything that the full permit
16 would require. But Mr. Jones has suggested that there is
17 a significant difference there. And I want to make sure I
18 understand what the reality is.

19 MR. de BIE: Well, certainly Mr. Jones is correct
20 in that one of the significant differences between a Full
21 permit and a Registration permit is the ability for the
22 LEA to include site specific conditions in the permit.
23 And certainly those conditions could be ones that address
24 the length of time that material could be stored on site.

25 Similarities are that either Registration or Full

1 permit, they would -- as you have indicated, Mr. Chair,
2 the facility would need to comply with the State minimum
3 standards as evaluated by the LEAs during the monthly
4 inspection. If you look at the slide here, the last part
5 is outlining the differences with Registration tier and
6 Full.

7 So there would be monthly inspections. The State
8 minimum standards would be applicable. All of the
9 enforcement tools would be available. And the facilities
10 would need to be included in the NDFE, as all solid waste
11 facilities are.

12 Certainly issues relative to storage of material
13 could be addressed through the State minimum standards,
14 which are applicable both at Registration or Full. The
15 limitation on material being stored on site was included
16 in the regs to indicate when the LEA could invoke
17 additional tools to address that issue by being able to
18 deem it disposed. So at that level, if the material goes
19 beyond the 3,000 or the 22,500, that material could be
20 deemed disposed at that time, and the LEA could address it
21 through enforcement to address illegal disposal. So
22 that's how that figure is included. But certainly if
23 there are issues about storage material at the site that
24 are creating nuisance, fire hazards, odors, dust,
25 whatever, the LEA could address those through the State

1 minimum standards that talk about the storage of material
2 and salvaging and those sorts of things.

3 CHAIRPERSON PAPARIAN: Mr. Jones.

4 COMMITTEE MEMBER JONES: Can I ask a follow-up,
5 Mr. Paparian?

6 CHAIRPERSON PAPARIAN: Sure.

7 COMMITTEE MEMBER JONES: Mr. de Bie, if there is
8 a facility that has a Registration tier, and we -- and our
9 State minimum standard because of the adoption of these
10 regulations that you've proposed at 500 tons a day allows
11 them to store 15,000 tons, okay, on that site, before it
12 triggers that it's a disposal site, what would we -- what
13 would an LEA have to do in the Registration tier -- what
14 would the violation of the State minimum standard be if
15 there was 14,900 tons on that site as a Registration tier
16 of storage? What would the LEA be able to do at that
17 site, based on the registration tier?

18 MR. de BIE: If the material at that level was
19 not creating any environmental or public health and safety
20 issues, there wouldn't be much that the LEA could do to
21 address the volume of material.

22 If the LEA is able to link that material and that
23 amount of material on site to some issues relative to
24 public health and safety that are in the minimum standard,
25 such as dust and vectors and odor and those sorts of

1 things, then they could through the enforcement of that
2 standard require that pile to be reduced in order to avoid
3 those impacts.

4 CHAIRPERSON PAPARIAN: If they had a full solid
5 waste facility permit, and the LEA had a condition in
6 there that the material would never reach a height
7 standard or a width standard or that it would even be, if
8 it was wood, cut into piles that were manageable for fire
9 safety, or that when it hit 14 -- when it hit 10,000 tons
10 the material had to be moved in some time period, they can
11 include that as a condition of the permit, correct?

12 MR. de BIE: That's their option, certainly.

13 And to also add a little bit more. Both the
14 Registration and the Full permit require the operator to
15 submit supporting documentation for that permit in the
16 application.

17 What are we calling it, a plan or --

18 MS. REYNOLDS: We have small volume processing --

19 MR. de BIE: A CDI processing report or plan that
20 would include a description of how the operation is to
21 take place. And for a registration that plan is included
22 as part of the permit.

23 So if the operator includes descriptions of, you
24 know, my piles will be, you know, dimensional or whatever,
25 that becomes part -- well, certainly whatever they choose

1 to include as a description. But that would become part
2 of the permit.

3 But certainly under a Full the LEA could
4 unilaterally include conditions. The operator gets an
5 opportunity to review those conditions and appeal them if
6 they don't feel they're appropriate and go through that
7 process.

8 But, yes, that's the option of the LEA, to
9 include those site specific conditions.

10 CHAIRPERSON PAPARIAN: Mr. Medina.

11 COMMITTEE MEMBER MEDINA: Thank you, Chair
12 Paparian.

13 And I must say that I'm not a big fan of the
14 tiered permitting structure. In San Francisco sitting on
15 the Board of Permits you either were given a permit or
16 denied a permit. And it applied to construction and
17 demolition, building permits, parade permits, whatever it
18 was. You could impose any condition depending on the
19 situation. If you were demolishing a building in an
20 industrial area, you impose certain conditions. If you
21 were demolishing a building in a residential area, you
22 impose certain conditions relative to noise and other
23 concerns.

24 If you were selling hot dogs from a push cart,
25 you could not be 600 feet from an establishment that sold

1 a similar product and that was at a fixed location. So
2 you could impose any number of conditions that made sense
3 relative to the situation.

4 Here it's more confusing because of all the
5 different tiers.

6 On the issue of the staff recommendations, I must
7 say that I am supportive, you know, given the great deal
8 of analysis that they have done on this subject. And I'm
9 even more persuaded by listening to the testimony of an
10 LEA in regard to this subject.

11 So, Mr. Chair, I am prepared to support the staff
12 recommendations.

13 CHAIRPERSON PAPARIAN: Okay. There was the -- I
14 don't want to lose sight. There was the tangential issue
15 of the -- dealing with people who would become subject to
16 whatever level we apply, allowing them to continue to do
17 business, yet assuring that we have some ability to
18 enforce the law and assure that any sham operators don't
19 sneak in under whatever type of grandfathering or whatever
20 we would do.

21 MR. de BIE: Yes. There would be clarity that
22 the regs would not be in effect for a date certain. And
23 then there are a number of tools that the LEA could
24 utilize to address issues at a site, one way or the other,
25 either to allow them to continue in some fashion or to

1 say, you know, "there are regulations in place and now I'm
2 going to require you to be consistent with them."

3 CHAIRPERSON PAPARIAN: Okay. In terms of the
4 Issue A, at this point, I'm supportive of the staff
5 recommendation. So where we're at is that we have two
6 members of the Committee supportive of the staff
7 recommendation, one member of the Committee suggesting a
8 100 ton per day Full permit.

9 So we'll present this to the full Board with that
10 explanation. And I'm sure we'll have another spirited
11 discussion at the Board meeting. But we'll try to get the
12 sense of the Board at that point on this issue. But in
13 terms of the Committee, we have two of us in favor of the
14 staff recommendation, one in favor of something else.

15 Are you -- did you want to add something here?

16 No. Okay.

17 Issue B, we have a staff recommendation for two
18 interrelated recommendations, B3 and B6.

19 MR. de BIE: If I may, Mr. Chair.

20 I failed when I did my overview to indicate that
21 staff is making a distinction in terms of the definition
22 between C&D material and inert material. And I apologize
23 for that.

24 And I think part of that is because a lot of the
25 debate that we've heard from stakeholders has focused on

1 just the C&D material and not certainly the definition of
2 inert. But one speaker did indicate their desire to
3 entertain two different terms for different types of
4 materials.

5 To clarify, it's staff's recommendation that the
6 term "C&D waste or C&D debris" be applied to C&D
7 materials, mixed C&D; but the term "debris" be used to --
8 in association with inert -- clean inert material.

9 So it would be -- again staff's recommendation,
10 C&D waste or debris would be the term that we would use in
11 the definition for C&D. When we define inert, we would
12 refer to it as inert debris and not inert waste.

13 CHAIRPERSON PAPARIAN: My feeling on this one is
14 that I think we're getting closer to the way to do this.
15 And I'm leaning towards putting it out as is, but
16 recognizing we may have to come back and look at this
17 again.

18 As I've heard arguments -- I worry that whatever
19 we say could tilt the playing field one way or another
20 towards one type of operator versus another type of
21 operator. And I certainly don't want our regulations to
22 have an effect of showing a preference out there. So I
23 think we've got ten closer to accomplishing that. But I'm
24 not convinced we're absolutely there yet. But I think
25 it's probably in the right shape to put out there and

1 solicit additional comments on it.

2 Did you have --

3 COMMITTEE MEMBER JONES: Yeah. I think that
4 inert A as debris makes sense. Because even if that
5 material is mixed in with a C&D load, then it's waste,
6 right?

7 MR. de BIE: Yes.

8 COMMITTEE MEMBER JONES: Okay. And we all know
9 that C&D is waste until it gets processed and sold.
10 That's the same way we deal with bottles, cans, and paper.
11 So I'd prefer that we did -- that we continue as we have
12 in the past, to call C&D "waste," what it is, "C&D waste";
13 and then inert A "debris," I have no problem with that,
14 because I think that's -- you know, I think that's
15 effectively keeping it basically what it's been.

16 CHAIRPERSON PAPARIAN: So, Mr. Jones, in terms of
17 the alternatives there --

18 COMMITTEE MEMBER JONES: I would say B2, and then
19 add the alternative or if they suggested -- I don't even
20 remember -- on inert Type A, we should categorize that as
21 inert debris.

22 MR. de BIE: That would be B6.

23 COMMITTEE MEMBER JONES: Okay. Mine only goes to
24 B5. So I'm not doing too good.

25 Oh, I do have a B6. I'm sorry.

1 So B6 and B2.

2 CHAIRPERSON PAPARIAN: Mr. Medina?

3 The staff recommendation was B3. Mr. Jones has
4 suggested B2.

5 COMMITTEE MEMBER MEDINA: That sounds like Bingo,
6 but I'm going B3 and B6.

7 (Laughter.)

8 CHAIRPERSON PAPARIAN: Okay. It looks like we're
9 going to have a very interesting discussion at the full
10 Board meeting.

11 Again, we have a split on B2 versus B3, with two
12 of us suggesting B3 and one suggesting B2.

13 B6 we seem to agree on.

14 Issue C, staff has suggested Option C1.

15 Any comments?

16 Mr. Jones.

17 COMMITTEE MEMBER JONES: I mean if we took my
18 other options, I'd support C1, too. But I've got to tell
19 you, I'm not going to -- you know, I'm going to leave it
20 open. You can't have it both ways. I mean it's
21 impossible. And I think that gets to the crux of what
22 this is. Either open this up and pretend you have
23 regulations or you don't, you know. I mean these -- so
24 I'll hold on that one till I see what -- how we resolve
25 the other issues. Because this is critical stuff.

1 CHAIRPERSON PAPARIAN: So two of us are
2 supporting moving forward with C1 and one -- I don't want
3 to mischaracterize it. I'll let you characterize it
4 yourself at the Board meeting.

5 COMMITTEE MEMBER JONES: Thank you.

6 CHAIRPERSON PAPARIAN: And then issue D, staff
7 has suggested D1.

8 Mr. Medina.

9 COMMITTEE MEMBER MEDINA: I support staff
10 recommendation for D1.

11 CHAIRPERSON PAPARIAN: And Mr. Jones?

12 COMMITTEE MEMBER JONES: No, I think that -- it's
13 incredible. We'll raise the tonnage. We'll call it
14 whatever we want. We won't check to see what it is, but
15 we'll call it under our regulations. I can't support
16 that.

17 But I will say one thing. I think we need to
18 add -- the one thing that these haven't really talked
19 about in these options to the Board is if somebody's
20 legitimately bringing in source-separated material, they
21 operate outside of this anyway as a recycling center. So,
22 you know, I mean I think that there is another option for
23 people in that that we've talked about earlier. But I
24 think that the elimination of the two-part test doesn't
25 make a lot of sense to me.

1 MR. de BIE: Just to clarify. We're not
2 eliminating the two-part test. We're just not taking the
3 suggestion that it be applied to make a distinction
4 between a CDI site and a solid waste transfer station. So
5 we're not extending the use of the two-part test. The
6 two-part test will remain in place to make a distinction
7 between, as you indicate, a recycling facility and a CDI
8 site.

9 COMMITTEE MEMBER JONES: -- and a solid waste
10 facility.

11 MR. DeBIC: No, a CDI site, which is a solid
12 waste facility, yes.

13 COMMITTEE MEMBER JONES: Oh. Okay.

14 MR. de BIE: No, it is.

15 But the suggestion in D2 was to use it to make a
16 distinction between a CDI site and a solid waste transfer
17 station. If a CDI site failed the 10 percent or the
18 two-part -- the second part of the test, then they would
19 be automatically a transfer station, and a solid waste
20 transfer station. So we're not eliminating the second
21 part of the test for recycling. We're just not adding --

22 COMMITTEE MEMBER JONES: But you're saying for
23 this treatment you want to eliminate it?

24 MR. de BIE: Well, it's not in there now. We're
25 not proposing to add it in, yes.

1 COMMITTEE MEMBER JONES: Right.

2 CHAIRPERSON PAPARIAN: Does that change your view
3 at all or --

4 COMMITTEE MEMBER JONES: No. I mean it's --
5 there's another one that just goes to weaken this stuff.

6 I do think though that on the source-separated
7 material, especially the inert material that we had heard
8 testimony on a month ago, that we need to talk about those
9 tonnages for that inert debris and, you know, where they
10 would be, because I don't see that as anything that's
11 really in this set of options.

12 Are we saying that -- we're not saying that an
13 inert facility can take -- I mean if it's source-separated
14 inert and it has to fold under these things, what is the
15 threshold for them to get a permit?

16 MR. de BIE: If they qualify for a recycling
17 center, they could take any amount per day. But they do
18 have the cap on when it's determined to be disposed, the
19 storage limit.

20 COMMITTEE MEMBER JONES: And that's how much?

21 MR. de BIE: It's a time factor. It's how much
22 they receive in 30 days --

23 COMMITTEE MEMBER JONES: So there's no quantity
24 of material?

25 MR. de BIE: No.

1 CHAIRPERSON PAPARIAN: Okay.

2 Mr. Jones, would you characterize your position
3 as supporting D2 or something else requiring additional
4 explanation?

5 COMMITTEE MEMBER JONES: I characterize my stuff
6 on C&D, that I can't really make a determination until I
7 know what the inclination of the Board is on A and B
8 because they're interrelated. You can't deal with them as
9 separate entities because they're so conjoined that -- you
10 know, we just keeping lessening the environmental
11 protection, so I'm not going to be prepared to offer any
12 position on either one of those until I see what it is on
13 A and B.

14 MR. de BIE: If I may. I share that observation,
15 Mr. Jones, that there is an interrelation; and I would
16 encourage both the Committee, and staff will certainly do
17 this, and perhaps the stakeholders, is looking at the
18 interrelationship between the various issues and maybe
19 helping find some middle ground. And before when I
20 stumbled about reconsidering one of these options, this is
21 an idea as an example of how we could find some interplay
22 between these that might help.

23 Relative to the level of permit and the nature of
24 the material, an interplay might be that if the facility
25 has a full permit, that they then be allowed to take

1 additional types of material non-C&D. So that could be an
2 example of how these two could interplay and relate. If
3 they have a registration permit, perhaps they are not
4 allowed to take additional types of waste streams C&D-like
5 material.

6 So just an example of how these things could
7 complement and interplay and maybe find some other kinds
8 of solution to them.

9 CHAIRPERSON PAPARIAN: Okay. So for purposes of
10 moving this forward, I'll support the staff recommendation
11 D1. But again there's not a Committee consensus on this.
12 And I think Mr. Jones could speak to his position at the
13 Board meeting.

14 Is there anything else we need to deal with on
15 the C&D issue at this point?

16 MR. de BIE: No, I don't believe so. It's
17 staff's understanding that this issue will be discussed
18 fully at the Board with the Committee's proposal or stance
19 discussed, and we'll participate as staff at the Board
20 meeting relative to this.

21 CHAIRPERSON PAPARIAN: Okay. Now, moving on. I
22 neglected to deal with one of the agenda items, item H.
23 This is related to the site cleanup program, Bryan A.
24 Stirrat being inserted into the "resolved" clause for
25 that. And I neglected to ask Mr. Medina about adding on

1 to that item.

2 Mr. Medina, would you care to add on?

3 COMMITTEE MEMBER MEDINA: Yes, I would vote aye
4 on this item.

5 CHAIRPERSON PAPARIAN: Okay. So Mr. Medina votes
6 aye on that item. And that will be, as I understand it,
7 going into the Admin Committee. But from this Committee
8 there's a recommendation for fiscal consensus unless
9 there's objection to that.

10 Okay. In terms of where we're going for the rest
11 of the morning and early afternoon -- we'll take a break
12 in just a minute -- we have the ADC item coming up and
13 then we have the LEA enforcement orders item. I think we
14 talked -- did we talk about, Scott, having the full Board
15 here, the LEA enforcement orders item?

16 ACTING DEPUTY DIRECTOR WALKER: Correct. I think
17 the idea was this was for wider consumption that may be of
18 interest to the full Board, correct.

19 CHAIRPERSON PAPARIAN: Is there anybody who
20 wanted to speak on that item who wouldn't otherwise be at
21 the full Board meeting?

22 Okay. Then Item K, the LEA enforcement item,
23 will go to the full Board for presentation.

24 So we'll take a 10-minute break right now. We'll
25 come back and do the ADC item, followed by the workshop.

1 (Thereupon a brief recess was taken.)

2 CHAIRPERSON PAPARIAN: I think we'll get started
3 again.

4 The next item we were going to do was the ADC
5 regs. We do have a number of speaker slips for the ADC
6 regs. But over the break and talking it over with staff
7 and anticipating what the comments are likely to be, which
8 I suspect would be "This stuff needs more work. We need a
9 lot of questions answered about this," my intention at
10 this point is to put this over for a month; let the staff
11 digest some of the information that they've gotten in
12 writing, see if they want to make any changes between now
13 and then; and then not rush this through now, but rather
14 to give this more of the time that it deserves in October.

15 There may be some quick questions about this from
16 the Board or not, I don't know.

17 Do either of you have a -- no.

18 Mr. Medina --

19 COMMITTEE MEMBER JONES: Mr. Paparian, if you
20 would, I just have a question on two items. And it would
21 be helpful if, when we had this item, if these were
22 answered.

23 On Page 4, which is like 38-10 of our agenda, it
24 would be Line 27, (B) under processed green material.

25 Green material used for alternative daily cover

1 should be processed prior -- I agree -- prior to
2 spreading. Processed green material shall comply with a
3 grain size specification by volume of 95 percent less than
4 6 inch.

5 The 6 inch has me nervous because there's
6 existing grinding and processing equipment at these
7 facilities that are -- I guess my question is, do we raise
8 the level of health and safety by saying 95 percent of 6
9 inch, or is there another number? Is it 95 percent 12
10 inches or less, which would make me probably more
11 comfortable.

12 I just think there needs to be some clarity on
13 that, you know. Scott and I had a conversation because
14 this was sort of adapted after the San Districts' regs a
15 little bit -- or the San Districts' standard. And I'm not
16 sure everybody's got the same amount of money as the San
17 District does. And there are process -- there is
18 processing equipment at landfills that can't produce a
19 6-inch product continually. It depends on the nature of
20 the material coming in. We may make that -- by having
21 that number, we're either going to force everybody to dump
22 that equipment or be in violation.

23 So I guess I need some clarity as to what's the
24 appropriate level of health and safety, and is it
25 something different than this? And I think that's a fair

1 question.

2 And then under the C&D stuff for processing, just
3 look at the idea -- you've listed an awful lot of -- I
4 think it's on Page 38-12, 6. It would be (B), Line 16.

5 Processed construction and demolition, I agree
6 with. It has to be processed. You and I have had this
7 discussion a hundred times. I fully support that. But
8 you listed the stuff -- the one thing you didn't list that
9 comes in in C&D loads are the heavy plastic piping. You
10 know, they pull the metal, but they don't pull the plastic
11 because it's usually tucked inside of a lot of stuff that
12 gets ground.

13 I don't know if that was an oversight. Because
14 it's an inert material in other parts of our regs. So
15 because we're being so specific, we may just need to look
16 at that heavy plastic piping as a -- you know what I mean.

17 Those are my only two major comments.

18 ACTING DEPUTY DIRECTOR WALKER: Yeah, we'll work
19 on that. Those are good points.

20 CHAIRPERSON PAPARIAN: And just so you know, one
21 of the questions I'll be having is how you assure that
22 you're not going beyond ADC to waste disposal. At some
23 point you put almost anything on there thick enough and
24 you can cover it up -- can cover up the waste. But at
25 what point do you differentiate between cover and

1 disposal.

2 ACTING DEPUTY DIRECTOR WALKER: Okay.

3 CHAIRPERSON PAPARIAN: Anyway, if it's all right

4 -- Ms. Dodge, you were the only one who I think was most

5 inconvenienced by what I'm proposing to do, which is to

6 put it off for a month. Do you have anything -- does that

7 overly inconvenience you in any way, or do you want to

8 make a statement or anything?

9 MS. DODGE: That's acceptable.

10 CHAIRPERSON PAPARIAN: You're okay? Okay.

11 ACTING DEPUTY DIRECTOR WALKER: I think Theresa

12 Dodge is also going to be part of our landfill capacity

13 discussion, too.

14 CHAIRPERSON PAPARIAN: Okay. So why don't we

15 move into the landfill capacity workshop.

16 ACTING DEPUTY DIRECTOR WALKER: Again, I'll just

17 do a tie-in on this. This is the Committee's second

18 workshop on various topics for discussion. And the first

19 one was on LEA issues. It was very successful, had a

20 really good discussion, and we're following up a lot of

21 those issues.

22 And today we are doing the workshop on landfill

23 capacity issues, which is a complicated -- we've got a lot

24 of discussions on it and all. But it's a good technical

25 issue with a lot of -- we've got some folks here that are

1 going to give you their perspective.

2 And Bernie Vlach from Permitting and Enforcement
3 Division will handle the staff presentation -- the initial
4 staff presentation, giving you some factual information,
5 some history. Elliot Block will help a little bit on it.
6 An we'll go from there.

7 So I'll just hand it off to Bernie, and he can
8 start it off.

9 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Good
10 morning, Mr. Chairman, Members of the Committee. My name
11 is Bernie Vlach representing the Permitting and
12 Enforcement Division.

13 Mr. Chairman, I thought maybe we might check to
14 see if our panel members are here this morning before we
15 get started, if that was what you might want to do.

16 CHAIRPERSON PAPARIAN: I believe they are. Would
17 you like them to come forward?

18 FACILITIES OPERATIONS BRANCH MANAGER VLACH: It's
19 at your convenience. I just -- I didn't know whether
20 that --

21 CHAIRPERSON PAPARIAN: Sure. Let's see, how many
22 panelists do we have all together?

23 FACILITIES OPERATIONS BRANCH MANAGER VLACH: I
24 think we have seven members.

25 CHAIRPERSON PAPARIAN: Seven members. Have we

1 got seven chairs we can put up here?

2 Yeah, why don't you all come on forward. And
3 then, who knows, we may have some issues come up during
4 the staff presentation, or maybe we'll just -- we'll see.

5 (Thereupon an overhead presentation was
6 presented as follows.)

7 FACILITIES OPERATIONS BRANCH MANAGER VLACH:

8 You never know when someone will have something
9 to add here.

10 The idea here is that staff will start off the
11 workshop with 5 or 10 minutes of some introductory
12 material. And then the remainder or the balance of the
13 workshop is really intended for the Committee to ask
14 questions and have the panel members make some points of
15 their own and have an exchange of ideas and information
16 about this landfill capacity issue.

17 So the staff presentation will focus on what is
18 landfill capacity, just to make sure that we're all sort
19 of talking about the same thing here. Give a little bit
20 of history about this issue. Talk a little bit about how
21 the staff has been working with landfill capacity numbers
22 and doing the measurements in recent times. And we have
23 one of our legal representatives here, Mr. Elliot Block, I
24 believe. I hope he's here. There he is.

25 Elliot will get involved in this staff

1 presentation by discussing some of the legislative and
2 legal issues that are associated with this issue.

3 --o0o--

4 FACILITIES OPERATIONS BRANCH MANAGER VLACH: So
5 I'd like to now begin talking about what -- and when we're
6 talking about landfill capacity, the purposes of this
7 workshop and the staff focus on this issue, we're talking
8 about the air space or the volume that's constrained under
9 the final grading plan which is associated with any
10 particular solid waste landfill. There's a finite amount
11 of space underneath the final grading plan.

12 For example, sometimes a landfill operator in the
13 course of going through the regulatory process will even
14 build a model of what their landfill will look like when
15 it's finished. And that's the final grading plan.
16 Underneath that space is the air that will eventually be
17 filled up with waste and cover material and other kinds of
18 materials.

19 It's been important to this Board for some time
20 to know exactly how much waste there is underneath those
21 envelopes, if you will, and to aggregate those amounts,
22 you know, by county or by region and get -- start to get
23 some sense of how much landfill capacity there is in the
24 state.

25 One of the things that arises when we talk about

1 this issue is that some people will talk about landfill
2 capacity in terms of the permit, the permit specifies a
3 final grading plan, and that's -- many people will talk
4 about this issue with respect to that final grading plan
5 that's included in the permit. But other people,
6 particularly those that are designing the landfills and
7 the -- will look at it in terms of a longer term issue.
8 They'll look at -- even though the permit may contain one
9 capacity, they'll think about it in terms of some ultimate
10 capacity that they see under a design that -- it may be
11 not yet permitted or maybe it's going to be permitted in
12 phases. So they'll have something else in mind other than
13 just the permitted landfill capacity.

14 And even beyond that, sometimes to maintain
15 flexibility the designers will look at what's technically
16 feasible in a particular area, whether or not it's
17 actually part of the design or the permit.

18 So there can be different perspectives on
19 landfill capacity. Staff is pretty much going to focus on
20 the permitted landfill capacity for the purposes of our
21 discussion.

22 --o0o--

23 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Now,
24 this issue has been important to this Board for a number
25 of years. There was a -- there have been documents

1 prepared by staff and by the Board since the 1980s. This
2 issue has been the subject of legislation at various
3 times. Staff has prepared LEA advisories on the subject.
4 And the state auditor actually makes reference to this
5 issue and asks the Board to consider this issue.

6 And the Board has actually had three separate
7 agenda items since the state audit report. And this
8 workshop is actually the fourth time this issue has been
9 considered by this Board.

10 --o0o--

11 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Now,
12 I'd like to mention too how staff gets information about
13 remaining landfill capacity or about landfill capacity.
14 The countywide integrated waste management plans include
15 certain amounts of information about remaining capacity,
16 although it isn't real specific for certain landfills.
17 Actually, I think the term there is used as disposal
18 capacity, and it can include other things besides landfill
19 capacity. It could include transformation capacity and
20 even out-of-state kinds of disposal capacity.

21 So there's a certain amount of information found
22 in these plans. The solid waste facility permits for
23 individual facilities should include, and in many cases do
24 include, very specific information about what the
25 permittee is asking for in terms of remaining air volume

1 for the permit.

2 As I mentioned earlier, the closure plans, the
3 plan that actually prescribes the final grading plan, also
4 is a good source of information for landfill capacity
5 information.

6 Staff also is able to get some information from
7 those kinds of landfill operators who use buildup-type
8 financial assurance mechanisms, because they need to fund
9 their mechanisms as fast as they fill and, therefore, they
10 need to disclose annually how much capacity is remaining
11 so that their financial mechanism stays consistent with
12 that.

13 And of course, even though it's not landfill
14 capacity, we do get important information that's very
15 significantly related to remaining landfill capacity in
16 the form of the number of tons of waste disposed at each
17 facility on a quarterly basis from the State Board of
18 Equalization.

19 --o0o--

20 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Now,
21 when staff is trying to summarize information for the
22 Board, for the Board's purposes I wanted to just quickly
23 point out how we go about doing that. It's important --
24 it's done -- actually, it's done on a facility-by-facility
25 basis, and then the information is aggregated together by

1 counties or by regions or, you know, whatever way the
2 Board wants to look at it.

3 But you have to start with each facility and work
4 with each facility and try to get the best baseline
5 information you can for each facility. And that baseline
6 might be a certain year for one facility and it might be a
7 different year for another facility. So it's kind of a
8 difficult task for staff to bring this together to any
9 particular point in time, because we're working with
10 different baselines from different periods of time.

11 The staff then uses that baseline information,
12 along with information about waste disposed from the Board
13 of Equalization. We also get information from the Board
14 of Equalization on beneficial uses of materials such as
15 materials that might come through the gate and be used for
16 road construction or whatever that take up capacity within
17 the permitted facility.

18 How much the waste is compacted has a big bearing
19 on remaining capacity. So the Board of Equalization will
20 report to us that so many tons of waste was received, but
21 that has to be then converted into a volume by taking into
22 consideration the ability of the facility to compact the
23 material.

24 And then there's also -- when the waste is
25 deposited in the landfill, there's also cover material

1 that's included. So that has to be considered; how
2 much -- for every ton of waste, how much -- or for every
3 cubic yard of waste, how many cubic yards of cover
4 material are necessary to do the job.

5 And then one of the factors that's somewhat
6 difficult to anticipate but naturally occurs is
7 settlement. The gravity of course will improve on any
8 compaction that can be done, and waste will always settle;
9 particularly the more waste you pile on, the more the
10 settlement will occur. So it isn't an exact science.
11 Settlements can occur on the basis that can be
12 anticipated, but not exactly always measured -- not
13 exactly always measured.

14 One other factor, too, is a facility might have a
15 certain finite amount of capacity but then will get a
16 lateral or vertical expansion through a permitting
17 process. And that will then increase or could even
18 possibly decrease the amount of landfill capacity
19 available. So that needs to be considered when we're
20 doing our calculations.

21 --o0o--

22 FACILITIES OPERATIONS BRANCH MANAGER VLACH: At
23 this point, I'd like Mr. Block to discuss some of these
24 legal and legislative issues. And then I'll finish up
25 real quick with some numbers that relate to the current

1 situation in the State.

2 STAFF COUNSEL BLOCK: Good afternoon.

3 My intent here is to just very briefly touch on
4 the five bullets that are on the screen in front of you.
5 As some people in this room may know, each one of these
6 bullets could be an agenda item on its own. But of course
7 if you have any questions, you could certainly ask them of
8 me.

9 Just very briefly, based on legislative findings
10 that California had diminishing landfill space and a
11 stated objective of preserving landfill capacity, AB 939
12 required each county to make adequate provision for solid
13 waste handling and to prepare a countywide siting element
14 that, among other things, demonstrated that the county had
15 adequate disposal capacity to handle the estimated amount
16 of waste that the county would be generating for at least
17 15 years.

18 Originally, AB 939 contained a provision that
19 required the Board to object to a proposed solid waste
20 facility's permit if the -- in situations where a
21 countywide integrated waste management plan had not yet
22 been approved and the Board found that issuance of the
23 permit would prevent or substantially impair achievement
24 of the diversion requirements.

25 Now, the purpose of this requirement originally

1 was to ensure that prior to the adoption of the plans
2 facilities in nearby jurisdictions did not inadvertently
3 interfere with each other's potential diversion plans, the
4 SRREs, by independently increasing landfill capacity to
5 meet the objectives of the act.

6 In 1996, AB 2009 was passed. This bill deleted
7 this provision regarding prevent or impair --
8 substantially impair. And the bill's sponsors noted that
9 this provision was no longer necessary because of changes
10 in the law subsequent to the original version of AB 939,
11 which now allowed SRREs to be approved in advance of the
12 full CWIP approval, and that the approval of the majority
13 of the SRREs by that time removed the need for this
14 requirement. Essentially, the concern about this
15 inadvertent interference of competing facilities was no
16 longer a significant concern.

17 Now, the act requires, as I mentioned before, the
18 county to prepare a countywide siting element. And in
19 addition to showing that landfill capacity, it has to
20 include a description of the areas to be used for the
21 development of that adequate disposal capacity.

22 The Board is granted the authority to review
23 whether or not adequate capacity has been developed. But
24 the Board is not separately authorized to determine the
25 appropriateness of the siting of any of those particular

1 sites. That's the local government control.

2 Adequate landfill capacity is a very specific
3 term as far as the Act is concerned. As I mentioned, the
4 Act provides that adequate landfill capacity is a minimum
5 of 15 years of capacity. But that 15 years can be made up
6 of a number of things. That can be made up of capacity
7 both inside or outside the county. It can be currently
8 permitted capacity. It could be future-plan capacity.
9 And it could even include a plan for obtaining capacity
10 such as a contract with a site out of state.

11 So when we're looking at this issue of landfill
12 capacity, it's not as simple as each county shall have 15
13 years within their jurisdiction. And I think that's an
14 important point to mention, some of the information that
15 Bernie's going to be talking about a little bit later.
16 Obviously, it's easy to track capacity by area, such as
17 counties. I think he's using regional board areas. But
18 the capacity -- 15 years of capacity is really linked to
19 each plan, each jurisdiction's separate projections of how
20 much waste they're going to be generating over the course
21 of 15 years and then needing to dispose.

22 And if you had any questions, I can answer those.
23 Otherwise, it's back to Bernie.

24 CHAIRPERSON PAPARIAN: All right.

25 FACILITIES OPERATIONS BRANCH MANAGER VLACH:

1 Okay. I'll try to finish up so that the panel can have an
2 opportunity to interact with the Board.

3 --o0o--

4 FACILITIES OPERATIONS BRANCH MANAGER VLACH: I'd
5 like now to show you -- based on the measurements and the
6 way we've taken measurements, I'd like to show some
7 information about our remaining landfill capacity in the
8 state, some information that we calculated last year, and
9 then something that we redid again just recently for the
10 purposes of this workshop.

11 The information shows that the amount of capacity
12 remaining in the state has actually increased slightly
13 since the year 2000, comparing that with the year 2001.
14 The amount of waste that was disposed increased slightly
15 also. But the number of years of remaining capacity in
16 the state is actually just about the same. Based on, you
17 know, with some rounding errors and things, it's virtually
18 identical to what it was the previous year. So the
19 situation seems to be sort of maintaining.

20 The numbers, 154 for the year 2000, 153, those
21 represent the number of landfills that were included in
22 this analysis.

23 I want to point out, at this point, that there
24 are -- generally people will talk about the 172 landfills
25 in the State. Actually, there are only about 153, 154

1 that report tonnage to the Board of Equalization each
2 year. The other ones are trickling waste or in the
3 process of closing, or for other reasons are accepting so
4 little waste that they don't even have to report to the
5 Board of Equalization. So the number that's reporting is
6 staying around 153, 154. And that's what this information
7 is based on, the number that are reporting.

8 The number that are not reporting, the amounts of
9 waste there are are really incidental.

10 Now, I want to point out that these numbers do
11 not include the two mega-landfills in southern California,
12 Mesquite and Eagle Mountain. If you were to include--
13 let me just take a look at the mega-landfills, for
14 example.

15 --o0o--

16 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Just
17 the two of them alone have a remaining capacity which
18 is -- exceeds the entire remaining capacity of the state
19 at this point. And they would actually add another 18
20 years of -- instead of 17 or 16 years of capacity with
21 state, the number jumps up to about 35 years. So they add
22 an additional 18 years of capacity.

23 Now, these sites are permitted, but they're not
24 active, so they weren't included in this analysis except
25 in this fashion.

--o0o--

FACILITIES OPERATIONS BRANCH MANAGER VLACH: I

want to -- this first chart here that's in front of the panel and the members shows the State of California. And the areas in blue are the urban areas of the state.

This information was derived from census 2000 information. And these are the areas of the state where the population is most dense, based on the definitions of the U.S. Census Bureau.

And if we look at the number of landfills that are actually in those blue areas, in these urban areas, there are 22 of them, and they have about 240 million cubic yards of remaining capacity available and have a 11-year capacity amount in terms of years of capacity.

If we were to extend that concept out a little further and say, well let's -- because this is something the Senate Select Committee on Urban Landfills wanted to see how many people are living within -- or in or within a mile or two of urban landfills, and what's -- you know, how much capacity is there. You can see that if you go out one mile, you actually -- the capacity jumps up to 610 from 240. You bring in -- you know, now you have 56 landfills instead of 22. The number of years remaining is 12. And if you bump it up to two miles, then you get 810 million cubic yards and 14 years.

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1 Now, I'm going to switch these charts here to
2 show you something on the last slide.

3 I hope this thing doesn't topple over.

4 This last statistic, L.A. area plus two miles
5 urban landfill. There are 22 -- the L.A. area is
6 comprised -- it's a statistical area. It's comprised of
7 Los Angeles County, Orange County, San Bernardino, Ventura
8 and Riverside Counties. It's a statistical area for
9 purposes of the census system. And it includes 22 -- if
10 you include the -- you know, if you extend the perimeter
11 out two miles, it includes in itself 22 landfills, 340
12 million cubic yards of landfill capacity, and 10 years of
13 remaining capacity in terms of years.

14 And this chart, you can actually see where the
15 landfills are located. And many of them are right smack
16 dab in the middle of these urban areas.

17 --o0o--

18 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Now,
19 this last graphic -- I'm going to flip this chart one more
20 time.

21 I know the Committee had expressed some interest
22 in looking at some of this remaining capacity information
23 on a regional basis. Certainly, the regional waters
24 boards are organized around geographical watersheds which
25 have a somewhat, you know, a geographical constraint to

1 them. And so it was sometimes instructed to look at this
2 information based on that aspect or perspective. And so
3 you can see the nine regions, how much remaining capacity
4 is in each region, how much waste was disposed there in
5 each region, and how many years of remaining capacity
6 there are in each of these regions.

7 And that information is also included on a copy
8 of the slide's handout I gave to you. I hope you got it.

9 So, Mr. Chairman, that ends the staff
10 presentation. And I hope we generated some points of
11 discussion here. And with your help, we'll just get right
12 into the next phase, which is the panel discussion.

13 And any questions that you may have of the staff
14 or the panel, we're here at your disposal.

15 CHAIRPERSON PAPARIAN: Great.

16 Now, are the panel members prepared to make brief
17 presentations? Or did you want to just respond to
18 questions and issues or -- I'm not sure who I'm looking at
19 here, but --

20 MR. MOHAJER: This is Mike Mohajer, L.A. County
21 Public Works.

22 I have a very short presentation. And I have
23 promised Kit that I will buy her lunch if I speak only two
24 minutes and fifty-nine seconds.

25 If I could, I would like to go and just briefly

1 go over the L.A. County situation, and then we can go to
2 the discussion, if that would be okay.

3 CHAIRPERSON PAPARIAN: Okay. Why don't we do
4 that.

5 And, Mr. Mohajer, I'll hold you to that. I have
6 a three-minute timer here.

7 MR. MOHAJER: Are you promising lunch, too?

8 CHAIRPERSON PAPARIAN: I'll promise not to cut
9 you off if you're under three minutes.

10 (Thereupon an overhead presentation was
11 presented as follows.)

12 MR. MOHAJER: Thank you.

13 There we go.

14 I just want to -- is that the way I go?

15 --o0o--

16 MR. MOHAJER: Okay. Just briefly what the L.A.
17 County Public Works does in reference to the landfill. We
18 prepared this countywide siting element -- the staff -- or
19 task force for a filing of conformance. We enforce the
20 landfill engineering and technical requirements for all
21 the landfills and in the unincorporated area, and we also
22 handle the disposal reporting system.

23 --o0o--

24 MR. MOHAJER: Our disposal tonnage for the year
25 2001 was approximately a little bit over 12 million tons.

1 The way we look at the landfill capacity in Los Angeles
2 County is really for -- operates on a daily-permitted
3 capacity. And a daily-permitted capacity is really
4 important to us because when you look at the CEQA document
5 and considering the impact of the CEQA, an analysis in
6 that document, you have to look at the daily tonnages.

7 If there are so many numbers of trucks that go to
8 a landfill, you've got to know how many trucks go to a
9 landfill in order to consider your traffic analysis, your
10 odors. So just simply looking at the design capacity is
11 not going to answer the problem. So we look at the
12 daily-permitted capacity in Los Angeles county.

13 As of April 1st of this year, 2002, we have eight
14 major landfills in Los Angeles County. Eight major
15 landfills we define as those that receive over 250,000
16 tons per year. And four minor landfills. Seven of those
17 landfills are in the unincorporated area; five of them are
18 in the cities. There are over 31,000 tons per day
19 capacity -- daily-permitted capacity in the unincorporated
20 area; and 15,000 in the cities. Of that 15,000, 10,000
21 belongs to Bradley West, which their capacity is exhausted
22 pending the election in November of this year.

23 --o0o--

24 MR. MOHAJER: Overall, at the Class 3 landfills
25 we disposed 10.9 million tons last year. Inert waste was

1 about 1.2 million tons. Our daily disposal rate was about
2 35,000 tons. And our permitted -- daily-permitted
3 capacity is about 46,000 tons.

4 And so having said that, then I'll just let
5 everything else go so I would stay within my two minutes
6 and fifty-nine seconds.

7 (Laughter.)

8 CHAIRPERSON PAPARIAN: Good job.

9 Well done, Mr. Mohajer.

10 Mr. Jones.

11 MR. MOHAJER: One issue that I forgot to add as I
12 went. Our projected shortage of daily-permitted capacity
13 currently is that if Bradley West doesn't get extended,
14 Puente Hills' permit is not extended, and Sunshine
15 Canyon's proposed expansion doesn't go through, we are
16 going to have approximately 16,000 tons a day shortage of
17 daily-permitted capacity comes November 1st of next year,
18 2003.

19 CHAIRPERSON PAPARIAN: And I think -- I mean I
20 think it's a good point that you make. I mean if you look
21 at what we did this morning, we greatly increased capacity
22 in northern California, depending on how you look at it.
23 Our daily capacity that we increased in northern
24 California was rather limited, but the overall capacity we
25 have expanded was substantial.

1 MR. MOHAJER: And it's really critical to look at
2 daily capacity, as I said, from the standpoint of the
3 residents and everybody, look at what impact is going to
4 have on a daily basis. And having a whole bunch of
5 numbers is not going to solve any problems.

6 CHAIRPERSON PAPARIAN: Mr. Jones.

7 BOARD MEMBER JONES: I just have two things.
8 One, I'd love to have a copy of that presentation, because
9 I loved at the bottom where it said you guys administered
10 the DRS. Because I keep getting letters that say that
11 we've screwed it up. And as long as we keep working
12 together, we're going to be okay --

13 MR. MOHAJER: Administration of the DRS. Mr.
14 Chair, you guys write the regulations.

15 COMMITTEE MEMBER JONES: I know what that means.
16 Anyway, when you do your traffic impacts for a
17 landfill for CEQA, you base it on what's going to be
18 accepted at the facility?

19 MR. MOHAJER: That is correct.

20 COMMITTEE MEMBER JONES: You've got landfills
21 that close at 10:00 o'clock in the morning. They're lined
22 up at 4:00 in the morning to try to get into facilities.
23 And that's usually carrying yesterday -- the
24 end-of-the-day-before's waste stream from transfer
25 stations.

1 MR. MOHAJER: At times.

2 COMMITTEE MEMBER JONES: Right. I'm sure there's
3 sometimes it isn't.

4 And those vehicles that were headed for -- I
5 don't care -- Puente, Sunshine, any of these, that have
6 hit daily capacity, then have to turn around and drive the
7 streets of L.A. County and the freeways of California to
8 find an alternative disposal site, does that ever enter
9 into your traffic studies?

10 MR. MOHAJER: From our perspective as far as
11 making recommendations to our elected official, yes. From
12 the CEQA presentation we are looking at a specific site
13 and we look at the impact of that project on the overall
14 community. For example, for Puente Hills Landfill, one of
15 the issues that we are considering right now, that will be
16 considered, is the impact -- the combined impact of the
17 Alameda Corridor East construction during the next 10
18 years. Because that coincides with the Puente Hills
19 Landfill extension if that goes through. And we look at
20 the combined. And that's something that we made the
21 requirement that it wasn't part of the San District
22 process. But that's what we are directed to do, that's
23 what we do.

24 But our recommendation is going to be -- from the
25 standpoint when somebody comes and says, "Well, I just

1 want the landfill to be closed tomorrow and no more permit
2 extension," then at that time this is the sort of issue
3 that will come out. As the overall agency responsible,
4 then that would be our recommendation to the Board, that
5 there's not a perfect solution, but looking at all the
6 alternatives, what is best?

7 COMMITTEE MEMBER JONES: Right. But I think it
8 has to be part -- I think for the purposes of landfill
9 capacity -- obviously, it's a regional issue, but I think
10 it's important, especially in L.A. County -- you know,
11 when I took chief counsel for Cal EPA on a tour, the
12 second day we got to Puente Hills and I -- and we got
13 there at about 4:30, quarter to 5 -- she needed to see
14 four rows of vehicles lined up probably for half a mile;
15 to get an idea of how much of your capacity is lost within
16 the first hour of operation.

17 MR. MOHAJER: I do know. You don't have to
18 justify --

19 COMMITTEE MEMBER JONES: You know what I mean?
20 But I think it's part of this discussion and it's got to
21 be part of the record, that there's such a waste stream
22 down there that, you know, people have got to be cognizant
23 of those trucks at 10:30 in the morning when that flag is
24 flying, they're out looking to find somewhere else to go.
25 And they're the ones that have already -- a lot of them

1 are the ones that left transfer stations.

2 MR. MOHAJER: Well, just something -- batting for
3 L.A. County because -- that, yes, there is a tremendous
4 waste stream. But you look -- you've got to recognize
5 that one-third of the State population lives in Los
6 Angeles County only, and that's not considering the
7 region. And I was looking at the Waste News article, I
8 think it was August 7 or something like that, and they are
9 looking at the various states throughout the nation. And
10 I was looking at their disposal tonnages. And I glanced
11 at New York -- City of New York, and I compared it with
12 L.A. County. Their disposal is 50 percent more. And I
13 said, well, we are still doing a good job, but we also
14 have a population of 10 million.

15 COMMITTEE MEMBER JONES: Right. No, I think you
16 guys are doing a good job. I think there's more to be
17 done. But I just -- we're not in conflict here. I mean I
18 just think there are issues that are part of capacity that
19 almost need to be expanded. And the consideration down
20 there is huge.

21 MR. MOHAJER: It is very critical down there.

22 CHAIRPERSON PAPARIAN: Why don't we hear from
23 some of the other panelists. Maybe I'll just start with
24 Mr. Yoder.

25 MR. YODER: Sure. Paul Yoder on behalf of the

1 California Chapters of the Solid Waste Association of
2 North America, or SWANA, the association for solid waste
3 management professionals around the world.

4 Since we're having so much fun talking about
5 L.A. -- and I was struck by the Waste News article and
6 also the fact that Mike and everyone else in L.A. -- in
7 county government land we always figure L.A.'s a third of
8 everything. So when the numbers flashed up on the Board,
9 actually the disposal rate in L.A. County is less than a
10 third of the State's total number. And so for what it's
11 worth, just in the 929 world L.A. is doing better than you
12 would expect it to do on the natural.

13 I also -- because SWANA does care so much about
14 public health and safety and because New York was -- the
15 issue of New York was raised, and September 11th is
16 quickly upon us, I just wanted to point out that, God
17 forbid, if an event like September 11th occurred somewhere
18 in L.A. County, and L.A. County suffered at least a 7.2 on
19 the Richter Scale earthquake within the same year,
20 approximately 2 million tons additional would need to be
21 disposed of in L.A.; about 1.2 from an incident like
22 occurred on September 11th and about 800,000 from a 7.2
23 magnitude earthquake.

24 There needs to be capacity for just any type of
25 circumstances. You can't -- in the management of solid

1 waste you can't assume that everything's going to be the
2 same day to day.

3 Some other numbers I just want to throw out. If
4 there are 35 million people in California -- well, there
5 are 35 million people in California right now. And
6 they're generating approximately 40 million tons per year.
7 That's per the Waste Board's web site. So a little over a
8 ton a year per person, if you want to do it that way. The
9 population doubles to 70 million people, which it will in
10 due time, and we assume basically a steady rate of waste
11 production, that would mean 80 million tons would get
12 produced in California. If we increased diversion to 60
13 percent of the 80 million tons, we'd still need to figure
14 out what to do with 30 million -- 32 million tons of
15 discard.

16 So I don't know if -- I joked with staff before
17 this. I didn't know if this was sort of a true or false
18 question today -- capacity question mark -- because "yes,
19 we have it," but, "yes, we're going to continue to need it
20 at least for the short term."

21 I guess, lastly, I still -- I've talked to Board
22 members about this individually. I'm going to say it
23 again. I wish that we could spend as much time as we do
24 on things like ADC abuse on things like packaging abuse.
25 I wish we could do more collectively to attack the waste

1 before it even exists in the first place, because then we
2 truly would need less capacity.

3 Thank you.

4 CHAIRPERSON PAPARIAN: Thank you, Mr. Yoder.

5 That may be a topic for the Special Waste Committee.

6 Mr. Hemminger. I wouldn't characterize you as
7 the opposite of L.A. County, but certainly representing a
8 different sort of issue in --

9 MR. HEMMINGER: The other side of that bad penny.

10 Jim Hemminger. I'm with the Environmental
11 Services JPA representing rural counties.

12 Over the last 10 years of course landfill
13 capacity in rural counties has decreased considerably and
14 continues to do so because of the lack of the economy of
15 scale associated with various requirements from
16 environmental protection.

17 And with due respect to my good buddy, Mike, and
18 the problem of his garbage trucks on the freeway, Modoc
19 County is one of our counties who no longer has any
20 substantial in-county capacity. They haul their waste to
21 Nevada. It's about a 300 mile round trip on a garbage
22 truck. So one of your trucks could just about make it up
23 to Alamont and go the same miles as the garbage from Modoc
24 in order to find a disposal site.

25 But I was going to talk not so much about the

1 capacity itself. I've heard, mainly looking at the State
2 audit report, what they concluded I think a little
3 wrongly, critical of the Waste Board for not having a
4 better handle, if you will, on statewide capacity. I do
5 think the issue there was more definitional than lack of
6 information. I agree with staff's report.

7 We talk volume -- capacity we talk how many years
8 capacity, how many tons capacity, what are the cubic yards
9 of capacity. I agree that when we talk capacity, we're
10 talking volumetric capacity. It's expressed in cubic
11 yards. And that we all should be on the same page and
12 talk permitting capacity. That's real capacity.

13 And if we start with those numbers, I think we
14 can all pretty much agree statewide and locally on what
15 the capacity is at any given time. Of course, it's
16 changing daily as new places get permitted and existing
17 sites get filled in.

18 I am concerned -- I don't know if it was staff or
19 Board. I did hear a talk after the audit report that the
20 new regulations were going to be adopted to impose new
21 reporting requirements on landfill facilities in order to
22 assist the Waste Board in getting a better handle on what
23 the capacity of individual sites were.

24 I would like to suggest that as the whole series
25 of information was laid out previously, right now for the

1 buildup closure funds every landfill, which is most of our
2 rural landfills, do do the buildup on their closure fund.
3 The current regs do require every landfill every year to
4 report on the cumulative capacity filled, on the annual
5 capacity that was filled in the last year, and to report
6 to the Waste Board what the remaining permitted capacity
7 is.

8 So I think the regulation is already there to get
9 the information from the landfills, at least those that
10 use the buildup closure fund, and instead of new
11 regulations there, all we may need is a little additional
12 clarification in how that information is being reported.

13 CHAIRPERSON PAPARIAN: Yeah, Mr. Hemminger, I
14 believe that that was the intention of any changes in the
15 regulations was to -- and, staff, correct me if I'm wrong
16 about this -- was to look at that existing form in the
17 existing information that's being asked for and provide
18 clarification to assure that the information that's
19 reported is consistent throughout the State.

20 MR. HEMMINGER: Not a new report?

21 CHAIRPERSON PAPARIAN: No.

22 MR. HEMMINGER: Thank you.

23 CHAIRPERSON PAPARIAN: Just help to assure that
24 we're comparing apples to apples.

25 MR. HEMMINGER: Thank you.

1 CHAIRPERSON PAPARIAN: Yeah, Mr. Jones is
2 pointing out that he thinks we need to add two definitions
3 just to help provide --

4 COMMITTEE MEMBER JONES: That's all. Yeah, the
5 form was there. It inadvertently got omitted. It was a
6 form that was used by the Water Board and the Waste Board.
7 It just inadvertently left. And what Mr. Paparian and I
8 worked on with staff -- right, Bernie? -- I mean, that's
9 all it is is those two definitions -- I think there were
10 two.

11 FACILITIES OPERATIONS BRANCH MANAGER VLACH: The
12 cleanup essentially.

13 COMMITTEE MEMBER JONES: Yeah, and the Water
14 Board said not a problem. So when that goes up -- but it
15 has to go through reg cause it's a form that's in the reg.
16 So it will just say, "Here, give us this information in
17 this format."

18 MR. HEMMINGER: Thank you for clarifying that.

19 CHAIRPERSON PAPARIAN: Okay. Thank you very
20 much.

21 Ms. Dodge.

22 MS. DODGE: Hello. The topic -- the items I
23 prepared are a little different than what you've already
24 heard. I was looking specifically as an engineer how to
25 solve a problem for a statewide tracking system.

1 Can you all hear me okay?

2 To solve a problem, the first thing needed is to
3 clearly articulate what the purpose of collecting this
4 information is, the purposes it's going to serve. And
5 once you have that purpose defined, then you can establish
6 we see a need for clear definitions and consistent units
7 as we discussed. We think annual updates to such a system
8 should be more than adequate. Any tracking system that
9 gets established would allow for enough flexibility for
10 operators to continue to use the methods they currently
11 use. For example, this would be the LEA Advisory 45,
12 which allows for a number of different methodologies for
13 calculating the volume capacity.

14 We don't believe any additional field
15 measurements should be required. We don't believe it's
16 the Board's intent to require operators to do more than is
17 necessary to deal with. The way we calculate capacity is
18 over the last 15 years we performed aerial surveys of our
19 sites, match it up with the tonnage we received, and
20 develop an empirical conversion factor from volume to
21 tonnage.

22 And this empirical conversion factor incorporates
23 intermediate cover, residual berms, temporary hauling
24 roads as well as winter deck construction. We don't
25 believe that capacity calculation should require the

1 measurements of individual landfill components.

2 These factors we've developed have been effective
3 to predict landfill capacity. And there has been
4 discussion of requiring individual components be measured.
5 And we don't see that that would change the effectiveness
6 of the capacity calculation as we currently do them.
7 We're willing to work with staff to discuss any specific
8 components they have interest in.

9 And then in addition to that we do believe that
10 determining the need for landfill capacity is definitely a
11 regional issue and is left at local government's under
12 state law. We don't believe that the Board should
13 incorporate in the permitting process consideration for
14 capacity.

15 If implemented, this would effectively shift the
16 authority of the site to expand landfills to the State,
17 away from local governments. And this is definitely a
18 local infrastructure land-use issue. We're concerned that
19 any attempt by the Waste Board to second guess local
20 decisions on landfill capacity at the end of a permitting
21 process would have serious impacts on local government's
22 ability to provide and plan for long-term cost-effective
23 solid waste management.

24 So, in summary, we have two major points. We
25 need to include the defined purpose of the statewide

1 tracking system and that it shouldn't change the local
2 land-use authority for deciding adequate landfill
3 capacity.

4 CHAIRPERSON PAPARIAN: Thank you very much.

5 Okay. Mr. Fujii.

6 MR. FUJII: I'm Kurt Fujii with Allied Waste.

7 I'd like to express my appreciation to the preceding
8 presenters. They make my discussion a lot easier.

9 I'd like to express my support for a lot of the
10 thoughts and ideas that have been put forth already.

11 Primarily, I'd say three major comments come to
12 my mind. One is: I do agree that -- and Allied Waste
13 agrees that capacity is very, very much a local issue. It
14 is appropriately a local issue the way our regulations
15 have been set up with a partnership between State
16 government and local government.

17 I think that it's also very important to remember
18 that local communities have different attitudes about the
19 landfill capacity that is permitted within their
20 jurisdiction.

21 Many, a growing number, see permitted landfill
22 capacity within their jurisdictions, whether it be
23 publicly or privately owned, as a resource and a potential
24 source of revenue. There are still many local
25 jurisdictions in the State that see permitted landfill

1 capacity within their boundaries as an asset to be
2 preserved for their citizens, something they've invested
3 some time and effort in, and they're not anxious to see it
4 used by other jurisdictions.

5 The second point is: I appreciate the emphasis
6 that's been placed on the various types of data, ways of
7 estimating and reporting data that have been presented.
8 It's sort of a truism that good data can lead to very good
9 decisions, bad data can lead to bad decisions. And, you
10 know, we all have experience with both types.

11 And that leads to my third major topic, which is
12 that in going forward, I would strongly support the
13 thought put forth by Theresa that it would be very, very
14 helpful if the Board could identify desired or potential
15 uses for information on landfill capacity.

16 As an engineer, I do know that there are a number
17 of ways of estimating this. And I hate to sound like a
18 real techy engineer there, but lots of times you're asked
19 a question as an engineer and your first response is I
20 need to know what you're going to do with this data,
21 because that impacts how I generate my answer, how I
22 perform my analysis, and the way I present the data to
23 you. I need to address your need.

24 And there are a number of things that you could
25 do with this data that have been mentioned here. You

1 could look at statewide capacity; you could look at
2 regional capacity; you could look at the rate at which
3 capacity is being used; you could look at conversion --
4 there's been discussion of conversion factors here. I
5 know from looking at our own landfills throughout four
6 states that there is a wide variation in the achieved
7 density in a landfill.

8 And that's important here because, as was well
9 pointed out by staff, landfill permitted capacity is
10 permitted in air space, in volume, in cubic yards. A lot
11 of our waste tracking and generation is done in weight, in
12 tons. So you need to have good accurate data for that.

13 Another very interesting aspect of capacity that
14 you might want to look at is developed capacity at any
15 point in time. There was a very good reference made to a
16 potential emergency situation when you may need a lot of
17 emergency capacity in one year. In this state, given our
18 climate and the way we develop landfills, you have one
19 shot every year at developing your capacity, at lining it.
20 You may have 7 million yards over your entire site, but in
21 any given construction season you're only going to build
22 usually for one year. That might be something you want to
23 look at.

24 So I urge you to clearly identify the universe of
25 things you'd like to do with this information, the

1 potential uses for it.

2 And I'd also like to support Mike's urging that
3 you look at permitted daily capacity and maybe take that
4 one step further, look at effective capacity. Not
5 everybody is set up to use the full daily permitted
6 capacity on their permit at any given point in time. If
7 we're looking forward in our permits, we're setting those
8 limits for future needs. We may not have the lined
9 capacity, the scales, or the other infrastructure or even
10 the site geometry that allows us to realize that full
11 capacity at any given point in time.

12 Thank you.

13 CHAIRPERSON PAPARIAN: Okay. Thank you.

14 Mr. Perry from Napa County.

15 MR. PERRY: Greg Perry, Napa County LEA and also
16 representing the EAC. And I guess the regulators come in
17 last. But that's okay; we'll hang tough.

18 One issue that the LEAs have been dealing with --
19 and I know -- I'm sure that Bernie's been dealing with,
20 you know, getting the data and putting it together; and
21 also I think Darryl Petker with Board staff has been
22 looking at the web base bringing data together -- is
23 trying not to create anything new, but using what you
24 already have. And I think -- the one thing I've been
25 looking at in terms of just data-specific and landfill

1 capacity is looking at -- I know in the permit they have
2 one box that is already there in terms of air space. You
3 had that number. And then when any permit's going to be
4 either revised or a new one, you're going to have your
5 preliminary, your closure plan. Then at least being able
6 to use those two documents to get your data from, I think
7 those would be very accurate.

8 You know, even when we've been dealing with the
9 little CIA sites and logs coming from Regional Water
10 Quality, we've got a lot of data that's been floating
11 around that we would love to get narrowed down as accurate
12 as possible. So that would be fabulous.

13 Then just permit-specific in terms of solid waste
14 facility permit. I think landfill capacity is
15 definitely -- it's definitely a local issue. It's
16 definitely more on the planning side in terms of the LEAs,
17 unless you only have a few years left on your permit.
18 Obviously, closure plans are going to be -- or closure
19 construction's going to be happening at that time. But up
20 until then, it's more planning, and it's more -- it's
21 going to be very dynamic until you get to that closure
22 phase.

23 Just a couple of examples. There's one landfill,
24 you know, had a specific closure date, specific closure
25 volume. And, of course, it's all approximation,

1 estimates. But as soon as the site's going to start
2 implementing either new AB 939 programs or, in one case,
3 very large construction demolition, trying to pull that
4 volume out, you can have it on paper, but as soon as the
5 dynamics of being able to bring other materials out,
6 numbers are going to be inaccurate as time goes on. So
7 hopefully when you have that permit revision, you can get
8 data from that permit and also from closure plans and
9 hopefully that can do you well.

10 CHAIRPERSON PAPARIAN: Thank you.

11 Anybody want to add anything based on what they
12 heard?

13 MR. MOHAJER: I would.

14 MR. YODER: I was just going to say, if I have
15 any time left --

16 CHAIRPERSON PAPARIAN: I'll get my timer ready,
17 Mr. Mohajer.

18 MR. YODER: -- if I have any time left, I want to
19 give it to Mike.

20 CHAIRPERSON PAPARIAN: Okay. Mr. Mohajer, go
21 ahead.

22 MR. MOHAJER: I have -- also I got some other
23 handouts that I will give you so it saves time. But they
24 very specifically discuss the issue that the panel had
25 discussed so far that every site is specific. However,

1 having said that, myself being involved as a planning part
2 of it and permitting part of it and trying to work with
3 the elected officials, at times it makes it difficult when
4 I go before my elected official and say, "Well, I have a
5 shortage of capacity of 60,000 tons by next year," and at
6 the same time Senator Romero comes as a Chair of the
7 Senate Select Committee and says, well, there are a
8 hundred some odd million ton capacity.

9 And the denominator that was used to calculate
10 these numbers all varies. So there really -- from my
11 standpoint -- maybe that's not going to sound too good --
12 we've got to have a uniform number no matter how local
13 jurisdictions look at it, but at least we also have a one
14 numerical -- one formula that everybody in the State would
15 use, so it makes it easier from political standpoint to
16 sell it to your elected official and everyone would be
17 speaking in one tone, one language, rather than different
18 numbers.

19 And I think that's what I have experienced for
20 the past 23 years. Every time I talked about disposal
21 capacity, it goes all over the place.

22 CHAIRPERSON PAPARIAN: Yeah, I think that's part
23 of what we're getting at here, is to provide at least some
24 consistency and some numbers, you know, locally,
25 regionally, statewide, recognizing that there are going to

1 be a lot of asterisks, you know. You can calculate
2 numbers -- any number -- you calculate these any number of
3 ways. But at least, you know, we're going to be making an
4 effort to come up with some consistent, you know, easy to
5 compare numbers that can be used by local officials in
6 making their decisions locally and regionally.

7 You know, we don't have the authority to make a
8 decision on a landfill based on need and, you know, the
9 authority's not there now and it's not something the Board
10 itself is pursuing. You know, if that authority were to
11 exist in the future, it would have to come from the
12 Legislature. So if you have concerns about --

13 MR. MOHAJER: Nor would L.A. County support the
14 land use.

15 CHAIRPERSON PAPARIAN: I mean if you have
16 concerns about that, it would be a legislative debate more
17 than a debate before this Board at this point.

18 COMMITTEE MEMBER JONES: I think one thing that
19 we ought to really be thinking about, if we're going to do
20 landfill capacity, which I think we do -- and I see Diane
21 Range and Lorraine back there. And they were the authors
22 of the '94 -- '95 insuring landfill capacity, and probably
23 ones before that for all I know. But I was on their panel
24 in '95 and they did a good job at trying to establish a
25 base year. And back then we were trying to figure out

1 what all the variables are.

2 When we talk about having one way to measure, I
3 would agree with you. The problem is what we really need
4 to have is a list of what the variables are. Because
5 that's part of what we've got to talk to legislators about
6 and local officials, because -- I sat in a county that had
7 an employee that was trying to keep a landfill open and
8 had a D7 on the site. That was his form of work -- of all
9 he had on there. And in a public meeting said his
10 compaction rate was 1,800 pounds per cubic yard, and
11 referenced an old Caterpillar 836, you know, real urban
12 waste landfill to show the number.

13 He was only off by about a thousand pounds per
14 cubic yard, probably 800 pounds per cubic yard. But what
15 it did, while it benefited him, it hurt the county. And
16 it made a guy like me the bad guy to be able to show the
17 math.

18 So, Mike, I agree with you. But I think what we
19 really have to do and one of the things that hopefully
20 we'll get to after our first go-around with starting to
21 use existing forms that we already have where there is
22 existing requirements on people to report that stuff, to
23 come up with a list of variables. And it's going to be,
24 you know, waste stream; it's going to be equipment; it's
25 going to be terrain -- you know the type. At least so

1 that people have the tools to understand, you know, why
2 capacity fill rates vary so much from site to site. And I
3 think that's all people want is the honest truth about
4 what those fill rates are. But it's one that always kills
5 me. And Mr. Fujii said in four states he's got --
6 probably pretty huge -- as I remember, when you and I
7 worked together in one state, we had pretty huge
8 differences between all of our sites. So I think it's
9 important that we include that, because it is something
10 that people need to understand.

11 So I would suggest that to be included.

12 CHAIRPERSON PAPARIAN: Mr. Medina.

13 COMMITTEE MEMBER MEDINA: I think there were a
14 number of very important points that were brought out. I
15 think the need for emergency provisions is very important.
16 If you recall the Northridge earthquake, we still have a
17 pile of debris remaining from that earthquake sitting on a
18 lot that people are still trying to determine, you know,
19 what to do with that and who is responsible for it.

20 I think there's certainly a need for a statewide
21 tracking system with some sort of uniform data collection.
22 And I know that different persons have different
23 solutions. I was on a panel on this subject last year.
24 And it's one of those panels where you'd have someone
25 taking written questions from the audience and then you

1 have a person screening the questions that come up. And
2 when I saw the questions coming up, and I saw the person
3 screening them take one question and just shake their head
4 and throw it away. Then after the panel was over, and I
5 walked off, and the person who had submitted that question
6 came up to me and said, "What's the problem with getting
7 rid of waste? I have the solution. Why don't you send
8 all the waste to the Bermuda Triangle because things just
9 sort of disappear there."

10 And this person was very serious.

11 (Laughter.)

12 CHAIRPERSON PAPARIAN: On that note, if there's
13 nothing else to come before us, I want to thank everybody
14 for taking the time to come here today. This was very
15 helpful and very educational for us.

16 And before we end the Committee hearing, is there
17 any public comment?

18 Hearing none, this Committee is adjourned.

19 (Thereupon the California Integrated
20 Waste Management Board, Permitting and
21 Enforcement Committee adjourned at 12:42 PM)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 16th day of September, 2002.

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